

Here Mr. DUPRÉ took the chair.

Mr. WATKINS. Mr. Speaker, my conception of the scope that eulogies should take is that they should set forth with accuracy the characteristics of the person who is being eulogized.

It had been my intention this morning, on account of my long personal friendship and association in this House with Gen. ESTOPINAL, to make a few remarks.

I have listened with close attention and with great interest to these eloquent eulogies which have been pronounced in his memory, and just at this time I can not recall any incident in his private life or in his public career, of which I have knowledge, but has already been referred to. Therefore, I do not see that there is anything which I can add to the eulogies which have been pronounced. It is possible that later on I may think of something that I would like to insert in the Record. There are some, Mr. Speaker, who are absent to-day, who would like the same privilege. Therefore, I ask unanimous consent that all the Members who desire to do so may extend their remarks in the Record.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent to extend his remarks in the Record, and asks like permission for other Members. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore (Mr. WATKINS). The resolution which has already been adopted provides an adjournment at the end of the pronouncement of the eulogies for to-day. If there is no other Member to ask recognition, in conformity with the resolution the House will stand adjourned.

ADJOURNMENT.

Thereupon, in conformity with the resolution previously agreed to, the House (at 1 o'clock and 35 minutes p. m.) adjourned until Monday, March 1, 1920, at 12 o'clock noon.

SENATE.

Monday, March 1, 1920.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.:

Almighty God, our sense of need moves us to prayer. It is not danger or want of power, but a fear that we may come short of Thy law. Through all the vain conflict of human interests there runs the golden thread of a divine purpose. Victory through love is the only achievement worthy of the sons of God. Teach us to overcome evil with good. May we not fear to trust ourselves and our Nation to the divine program. Greater is he that ruleth his own spirit than he that taketh a city. So may we be the true heroes in the world's strife through the glorious victory of self-mastery. For Jesus' sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Friday, February 27, 1920, was dispensed with and the Journal was approved.

THE FIUME QUESTION.

Mr. BRANDEGEE. I ask unanimous consent that there may be printed in the Record an article by Frank H. Simonds, published in yesterday's New York Tribune, on the Fiume question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York Tribune, Feb. 29, 1920.]

ARGUMENTS FOR AND AGAINST ITALY'S CLAIMS TO FIUME—JUGO-SLAVS, UNDER THE DOCTRINE OF SELF-DETERMINATION, HAVE RIGHT TO THE PORT—THE TREATY OF 1915 WITH FRANCE AND GREAT BRITAIN CONTAINED THIS CONCESSION.

(By Frank H. Simonds.)

"The peculiar value of the Fiume episode at the present hour lies in the extent to which it serves to shed light upon the character of the great American adventure in Europe. Examining this incident in all of its various phases, one may see how difficult and how complicated is the task which President Wilson undertook at Paris, the task of imposing American ideas upon Europe.

"To begin at the beginning, Fiume is a purely Italian town, situated in a wholly Slavonic region, surrounded on three sides by Slav populations, which, in fact, constitute a considerable minority within its limits. On the fourth side is the sea. Historically, Fiume has only the remotest association with Italy, having been for centuries connected with Austria or with Hungary, and in recent times a Crown possession of the Hungarian Kingdom.

NATURAL SLAV PORT.

"Commercially and economically it is the natural port of the vast Slav and Magyar regions which constitute its immediate and remoter hinterland, and it is one of the two ports by which all the districts which were included within the Hapsburg empire must communicate with the outside world. The other port, Trieste, is already in Italian hands. Even in the case of Trieste, however, the Slavonic claim is worthy of note, because all the populations surrounding the town are Slav, and Trieste has a large and growing Slovenian minority.

"The Italian claim to Fiume rests upon the fact that within the narrow limits of the town a majority of the people are Italian. Under a strict interpretation of the 14 points self-determination might establish Italian rights. But, on the other hand, the real desire of the Italians is founded upon the wish to dominate the Adriatic coast, to control the two ports of the Slav hinterland, and thus to establish economic and political control of this portion of the world.

"If Fiume were to pass out of Italian hands it would at once become the formidable rival of Trieste, and it is by no means certain that this would not spell the ruin of Trieste, because the Slavs naturally would use Fiume and Trieste would be deprived of its commerce. It would lie within Slav power, since the Jugoslavs control the whole hinterland, with its railways, to divert all traffic to Fiume, and Trieste would perish.

"By contrast, if Italy gained control of both of the available ports of Jugo-Slavia, that country would be economically at the mercy of Italy. Nor is the Italian insistence upon the availability of other ports worth discussing. The character of the country, which is mountainous, forbids the construction, save at prohibitive costs, of any alternative railway line. Actually, if the Italians acquire both Fiume and Trieste, they have Jugo-Slav commerce at their mercy.

MR. WILSON'S STAND.

"In this situation President Wilson's opposition to the original proposal that Italy have Fiume is understandable; is, in fact, unassailable, as a question of right and wrong. A country of 11,000,000 people, as large as Italy in area and destined to have a population nearly as large in a future not too distant, can not safely be deprived of a sea gate or placed in economic subjection to the Italians. Moreover, if the population of Fiume, less than 30,000, contains a majority of Italians, very large areas with a purely Slav population have been assigned to Italy on grounds which could be cited to warrant Jugo-Slav claims to Fiume.

"Unfortunately the naked question of right or wrong has little to do with the larger aspects of the question. In 1915, when Great Britain and France needed Italian aid, they made a secret treaty with the Italian Government by which they promised Italy the Austrian territory in the Trentine and Tyrolean districts, as far north as the Brenner Pass, Trieste, and the Istrian Peninsula, the northern half of Dalmatia, and certain other things in Albania and Asia Minor.

"All this was done long before the 14 points were even born. Italy accepted the promise, entered the war, and performed her part of the bargain. She therefore feels entitled to claim her reward, and, looked at purely as a contractual obligation, neither France nor Britain has the smallest warrant to decline to carry out the agreement of 1915.

OTHER ITALIAN DEMANDS.

"But when the matter was raised at Paris, President Wilson firmly opposed the performance by Britain and France of their contract. His opposition was based upon the solid foundation that this meant placing many hundreds of thousands of Slavs under Latin rule, depriving them of their own nationality, and also depriving the Slavs of the hinterland of access to the sea. A more flagrant break with the 14 points was not conceivable.

"Meantime the Italians on their side had formulated other demands. In their agreement with the British and the French they had left Jugo-Slav claims to Fiume unquestioned. But this concession had aroused protest in certain Italian quarters, and for reasons of domestic politics it became necessary for the ministry of the hour to advance claims to Fiume also. These claims were based upon the 14 points upon the right of self-determination. In Paris, therefore, the Italians claimed Istria and Dalmatia, on the Slav hinterland of Trieste, on the basis of the Anglo-French bargain, the treaty of London of 1915. But they claimed Fiume on the basis of self-determination.

ITALIAN CLAIMS.

"This opened a way for compromise. France and Great Britain had no wish to oppose President Wilson; they had no private or selfish interest in advancing Italian claims. They were merely bound by a bargain; if they could be released from

the bargain they would welcome the escape. But if they could not refuse to stand by the treaty of London they could honorably insist that the whole treaty be enforced, and that, while Dalmatia was assigned to Italy, Fiume should be turned over to the Jugo-Slavs.

"To this the Italians at Paris could not consent, because it merely convicted them at home of weakness and insured the fall of the ministry. While this debate was still in progress Mr. Wilson appealed to the Italian people over the head of Orlando, expecting they would see the injustice of their position and compel the ministry to abandon its stand. Instead, the country rallied to these claims and the ministry fell, precisely because it had not made good the demands.

"Italy then withdrew from the peace conference, but presently resumed participation, while the Adriatic solution was postponed. Before it could be settled d'Annunzio, scenting weakness in certain official quarters and receiving encouragement in others, made his descent upon Fiume, seized it, and continues to hold it. He is thus, in theory, a rebel against Italian authority, but the Government does not dare interfere, because the army and navy sympathize with him.

PEACE IN DANGER.

"This Fiume adventure, however, brought the peace of Europe into immediate danger. The Serbs, the Croats, the Slovenes, with strong military forces, were only deterred from actually opposing Italian aggression by military operation by the promise of the great powers that they should have justice, accompanied by warnings that if they resorted to arms they would get nothing.

"Meanwhile the Italians had recourse to many devices. They sought to break up the solidarity of the Serbs, the Croats, and the Slovenes by intrigue; they endeavored to prevent the union of Montenegro with Serbia, using old King Nicholas as a tool. When the plebiscite in Montenegro on the union was taking place they endeavored to send a regiment to the Montenegrin capital, and were prevented only by the daring intervention of an American naval officer.

"At the same time they made common cause with the Roumanians, who opposed the cession of part of the Banat to the Serbs, a cession ordered by the Paris conference. Italian influence was also exerted to stir up both Bulgar and Hungarian hostility to the Jugo-Slavs—an easy thing, because the Paris conference had assigned both Bulgar and Hungarian lands to the Jugo-Slavs. Thus a situation was created and survives in which a clash between the Jugo-Slavs and the Italians may have as a consequence attacks upon Jugo-Slavia by both the Roumanians and the Bulgarians and a campaign which will set all of the south of Europe in flames again.

CAMPAIGN OF BITTERNESS.

"At the same time Italy pursued a campaign against her old allies, the French and the British, and particularly against the French, because these two nations accepted President Wilson's policy instead of assenting to the Italian claims. Many French soldiers, occupying portions of the Adriatic coast under orders from the Paris conference, were actually murdered, and a press campaign of unparalleled bitterness was carried on against France.

"For Britain, as for America, this Italian bitterness had no real threat, but for France it was quite different. In case of another war with Germany, France would be menaced by an Italian attack along the Alps, and it was only Italian neutrality which saved France in 1914 by enabling the French to concentrate all their troops in the north. It was this detail which totally wrecked German combinations and led directly to the defeat of the first Marne.

"France could afford to stand with Britain and the United States against Italian claims if it were clear that Britain and the United States would stand with France in case of a new German attack. But when the President returned to Washington it became clear that there was no real chance that America would undertake to defend France against German attack, while Britain declined to undertake the task without American cooperation.

"France thus found herself estranged from two Latin States—Italy and Roumania—because of her acceptance of Wilson leadership, but without any commensurate reward in the way of security. Consequently there developed a strong French sentiment in favor of changing sides and standing with the Italians, while both in Britain and in France there was a general demand that there be some settlement of a situation which threatened to be the occasion of a new war and, while unsettled, prevented actual peace in all of southern Europe.

PROPOSAL REJECTED.

"At first a solution satisfactory to President Wilson and to Italy was sought, but the proposal accepted by Mr. Polk for the President was rejected by Italy. Thereafter Mr. Polk left Europe, and the President became ill. In this situation Britain and France, acting without the United States, proposed a settlement which Italy accepted. Then both States served notice upon the Jugo-Slavs that they must accept this or submit to seeing the old treaty of London imposed, which meant the loss of all of Dalmatia.

"The compromise was far more favorable to the Jugo-Slavs than any previous proposal. It gave them all of Dalmatia and most of the islands, with certain restrictions as to Zara, but it placed Fiume under the League of Nations and in addition gave the Italians a strip of Slav coast land, thus enabling them to have access over their own territory to the Fiume district. As a compromise it was not unreasonable, but the main criticism was that Great Britain and France ordered the Jugo-Slavs to accept it or accept the treaty of London as the alternative. But President Wilson had expressly refused to recognize the treaty of London, he had not been consulted as to the compromise, and he was free, if he chose, to follow exactly the course he took, namely, to warn Europe against a compromise in the manufacture of which America was ignored, but in the future results of which Mr. Wilson conceived America would be concerned under its League of Nations duties.

"The result was an international crisis. The British from the outset had no intention of sacrificing American association for Italian demands. The French preferred American to Italian assurance, but had to have one or the other, and were beginning to conclude that only the Italian was obtainable. The Italians were naturally furious and angrily defiant, while the Slavs, reinforced by this powerful American support, naturally ignored the ultimatum.

CHAOTIC SITUATION.

"Thus the situation reverted to chaos. Jugo-Slavia renews demands which can be ignored only in defiance of President Wilson and with the obvious probability that such defiance will lead to the recall by the President of both the treaty of Versailles and the Anglo-French-American treaty. But Britain and France promised Italy certain things under the treaty of London, and recently pledged themselves to abide by the terms of the latest compromise and compel the Jugo-Slavs to accept it. Italy now stands violently insisting that her recent allies make good their solemn promises to her, promises which she has been compelled already to reduce to an almost unrecognizable shape.

"But if Britain and France concede all that the President demands, if they agree to use their force to compel Italy to yield an impossible concession, they have still not the smallest assurance that the United States will accept the treaty of Versailles or the treaty of insurance. Mr. Wilson has the power of the executive branch of the American Government to use against them if he chooses, but he has not power over the legislative. Meantime the Jugo-Slavs are so encouraged by the President that they may resist any new Italian aggression, and such aggression becomes daily more likely.

"Moreover, for the British the situation becomes more acute, for it is clear that the popular sentiment in France is growing more and more favorable to a recognition of the probability that America will not accept European responsibilities and more and more insistent that, as a consequence, Europe must proceed to settle her own questions. This means that the British, French, and Italians must form an out-and-out alliance and thus united enforce their several demands, the French at the Rhine, the Italians along the Adriatic, and all three in Asia Minor. The British have not the smallest desire for a new European alliance. They desire the closest sort of Anglo-American association, an alliance if possible. They will not follow France or Italy in resisting the President, yet they have made promises to both, and their situation will be extremely awkward if, under American pressure, they break their engagements to the Continent, only to find that this sacrifice has not contributed in the least to increasing American willingness to enter European affairs or to make an Anglo-American alliance.

SOLUTION BASED ON FORCE.

"Of course, if Europe were satisfied that America was done with its affairs Europe would seek its own solution for pending questions. The solution would necessarily be based upon force. France, having renounced the occupation of the Rhine barrier in deference to President Wilson's objection and in return for his promised guaranty, would reassert her claims to the barrier security, basing these claims upon the nonfulfillment by America

of the President's pledge. Nor could the British effectively oppose this.

"But in the same order of ideas Italy would retain Fiume and there would be a swift elimination of those portions of the several peace treaties which owe their existence to the President's Paris adventure. The several League of Nations areas would disappear. Danzig would go to the Poles, Fiume to the Italians, the Sarre to France. The lot of the Germans would necessarily become harder and the chances of any economic recovery even more slender.

"British policy still clings to the notion that America and Britain, in association, can not merely preserve the chief elements in the existing settlement, but also bring about a modification of certain of the treaty provisions which seem to insure permanent German ruin. But this policy, which demands great apparent sacrifices from the French and none from the British, can not prevail unless it is supported by America and enforced by American financial power.

CANCELLATION OF LOANS.

"The British conceive that if America is allowed to redraft the terms of the treaty of Versailles in such fashion as to save Germany economically, and the balance of Europe as well, it will agree to vast new loans and not impossibly to the cancellation of \$10,000,000,000 of existing loans. They believe this because it falls in with what the President and those associated with him in Paris declared was the real character of American idealism. But they know all such amendments will encounter strenuous continental opposition and recognize that only American power and prestige can put them through.

"Nevertheless, as long as there is the remotest chance of an American return to Europe, Great Britain will not run the smallest risk either of offending the President or of raising an impassable barrier between Britain and the President's opponents in America. The course of Lord Grey demonstrated the latter. The course of Lloyd-George in his reply to President Wilson demonstrated the former. Great Britain wants American association, but is indifferent as to whether it comes through the President or through his political antagonists.

"Inevitably a policy based upon the pursuit of American cooperation involves ever-increasing British estrangement with the French, with the Italians, with the Continent. What is not clear is whether it can in the end lead to any compensatingly closer Anglo-American relations. The difficulty here lies in the paralysis of American machinery. The President can not do anything affirmatively; his opponents will do nothing through the existing medium, namely, the League of Nations, while the protraction of the dispute over this is having for an unmistakable effect an expansion of American sentiment in favor of avoiding all European entanglements, continental and British.

COLONIES DISSATISFIED.

"Nor is it less worthy of note that the British desire to make every concession to America has once more involved the United Kingdom in a dispute with a colony. All through the Paris conference the deference shown by the British delegation to the President aroused the protest of Australia through its prime minister, Hughes, an outspoken critic of the President. Now, Viscount Grey's suggestion to increase the United States voting power in the League of Nations to counterbalance the votes conceded to British colonies has stirred Canadian dissatisfaction.

"Indeed, it is almost impossible to make a census of the number of mix-ups which have followed our first European adventure. Britain and her colonies have disagreed; Britain and France are at loggerheads; so are Britain and Italy. France and Italy have almost come to blows; France and Roumania are mutually resentful. Our insistence upon Serb claims in the Banat has compelled Britain and France to break their word to Roumania; it has led to a Serbo-Roumanian feud. With no real power to resist and without any assurance of aid from us, the Jugo-Slavs are holding out against the demands of Italy, which have been supported until recently by France and Britain. We have refused Greece her aspirations in Thrace and about Koritza; our ultimate decision in Asia Minor, where settlements have also been outlined without regard to us, may precipitate another Fiume crisis. Or the President may reject the proposal to leave the Turk in Constantinople.

"Obviously, if Europe could determine what American policy was to be for the future the situation would be different. But ever since the Paris conference, ever since the President came home, Europe has had to operate on two mutually exclusive assumptions—the assumption that the President's ideas would be adopted by the United States and the assumption that they would be rejected. If President Wilson's ideas were destined to prevail, Europe would reluctantly make the necessary concessions, but they would have to be paid for by American loans and

American pledges of military and naval support. But if the President's ideas were destined to fail, then Europe would have to settle its own problems in its own way.

UNITED STATES MONEY NECESSARY?

"To-day, yesterday, to-morrow, as far as it is possible to see, neither course can be followed and chaos persists as a result. In the case of Fiume, it seems to me that the President is dead right on the merits of the case. The Italian demands are preposterous; they quarrel with every consideration of moral right. But the Jugo-Slav case, just as it is, fortified as it is by all regard for principle, is still untenable if there be not force behind it, and that force can come only from the use of American money and perhaps arms.

"The moment the Italians are satisfied that we shall do nothing they will declare their purpose to stay where they are, and then who can put them out? Certainly the French will not even think of it; rather they will feel compelled to assent, because American decision to stay out of Europe reopens for them the old danger of an attack on the Alps and the Rhine. As for the British, they may protest, but they certainly will not go beyond this. What, then, will be the position of the Slavs, resentful but helpless, and threatened henceforth on all sides? Threatened because of American policy in the Banat as well as along the Adriatic.

"But if the situation continues unsettled Italy may be faced with a domestic political crisis. She can not demobilize. Her army is costing her terribly. Her own Government may sink as a result of the two pressures—that coming from the nationalists and that coming from the socialists. The Jugo-Slavs are no better off, while the repercussions are felt all through Europe.

"It will be perceived, then, how little of the real Fiume question is actually comprehended in a discussion of the case of the city itself and how symptomatic it is of the whole European network of problems.

THE PROMISED REWARDS.

"Fundamentally the situation turns upon a fact which has only now begun to be appreciated in the United States. President Wilson believed, when he went to Europe, that he had only to insist upon the 14 points and he would be supported by the mass of the people of all nations. Having thus established peace on this basis, he assumed that it would automatically endure as a 'peace of justice.'

"In Europe he discovered that during the war nations involved had been compelled to make agreements, to promise Japan, Italy, and Roumania certain rewards for participation. Promised these rewards, Japan, Italy, and Roumania had entered the war to the very great profit of France and Britain, who otherwise would have been defeated. These agreements, the famous 'secret treaties,' manifestly conflicted with the 14 points, but neither France nor Britain could safely go back on these agreements if the nations that held their pledges insisted upon performance. In the case of Japan President Wilson agreed in the end to yield, and with informal promises of Shantung evacuation Japan acquired what had been promised her.

"In the case of Italy the President refused to yield, and the Italians insisted upon performance. Britain and France were thus called upon to decide whether their pledge to Italy was a 'scrap of paper' or their decision to follow Mr. Wilson necessarily abolished. For many months, for a whole year, British and French statesmen have been temporizing, seeking to 'keep in' with Wilson while not actually breaking with Italy. Meantime the French have more and more inclined to stand with the Italians and the British with Wilson.

ISSUE UNCHANGED.

"To-day the issue remains unchanged. Italy demands the performance of solemn pledges embodied in the treaty of London, and points to the fact that one of the great issues of the war was the maintenance of the sanctity of international obligations. Britain and France, having tried to arrive at a compromise and having merely aroused the President's indignation, are still faced with the dilemma. The gravity of the problem lies in the fact that even complete acceptance of the President's leadership and the consequent alienation of Italy may not insure American support for the future, while yielding to Italy and estranging the President may lead to the loss of all chance of American assistance or American participation. All of which is another way of saying that Europe, in the hope of enlisting American aid in European reconstruction and peace maintenance, has placed in the President's hands absolute veto power, so far as its own policies are concerned, only to discover that it has not acquired any assurance of American participation. Now, the French and the Italians, like the Roumanians and the Greeks, desire to regain freedom of action and take away the President's power of veto, while Great

Britain still insists upon placating the President, because British statesmen still cling to the idea that America, if not disgusted, will presently come back into European affairs.

"This means, if it means anything, that the Continent, France, Italy, and the smaller States will at no distant time repudiate the President's control of European affairs, while British opposition to such a repudiation will lead to a complete break between Britain and the Continent. Then the question will arise whether the United States will reward the British course by participation in an Anglo-American alliance. If it does, British policy at Paris and since will be vindicated; if it does not, that policy will prove a very costly blunder. But every recent indication from London serves to confirm the Paris impression that the British mean to run every risk in the hope of realizing the Anglo-American alliance."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; insists upon its disagreement to the amendments of the Senate Nos. 17 and 34 to the bill; recedes from its disagreement to the amendment of the Senate No. 22, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the further conference on the part of the House.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. ALBERT ESTOPINAL, late a Representative from the State of Louisiana.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lodge	Ransdell
Ball	Gay	McKellar	Sheppard
Brandeggee	Glass	Nelson	Smoot
Capper	Hale	New	Spencer
Chamberlain	Hitchcock	Norris	Sutherland
Cummins	Johnson, S. Dak.	Nugent	Thomas
Curtis	Jones, N. Mex.	Overman	Trammell
Dillingham	Jones, Wash.	Page	Wadsworth
Edge	Kellogg	Phelan	Warren
Elkins	King	Phipps	Watson
Fernald	Knox	Polindexter	

Mr. CAPPER. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Oregon [Mr. McNARY], the Senator from New Hampshire [Mr. KEYES], the Senator from Iowa [Mr. KENYON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Mississippi [Mr. HARRISON], the Senator from Maryland [Mr. FRANCE], and the Senator from Oklahoma [Mr. GORE], who are attending a meeting of the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Members.

The Reading Clerk called the names of the absent Senators, and Mr. HARRIS and Mr. PITTMAN answered to their names when called.

Mr. KIRBY, Mr. LENROOT, Mr. SMITH of Georgia, Mr. STANLEY, Mr. HENDERSON, Mr. POMERENE, Mr. BECKHAM, Mr. WALSH of Montana, Mr. SHIELDS, Mr. CULBERSON, Mr. COLT, Mr. BORAH, Mr. FLETCHER, Mr. CALDER, Mr. SHERMAN, Mr. McLEAN, and Mr. McCormick entered the Chamber and answered to their names.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Arizona [Mr. ASHURST] is absent on account of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from Delaware [Mr. WOLCOTT] are detained on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

SALE OF SHIPS (S. DOC. NO. 242).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d ultimo, a list of the vessels sold, to be sold, and those on which action is pending, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

THE FIUME INCIDENT.

Mr. KNOX. I ask unanimous consent to have printed in the RECORD an editorial published in this morning's Philadelphia North American on the Fiume incident. It shows how sweet it is for brethren to dwell together in peace and harmony.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia North American, Mar. 1, 1920.]

A COSTLY VICTORY.

"Publication of the correspondence on the Adriatic question shows conclusively that illness has not impaired in any degree President Wilson's powers as a writer and a controversialist. His countrymen should, however, make the most of whatever comfort this circumstance affords, since it is the only aspect of the international situation which gives grounds for such a feeling. As was foreseen, the President has won another diplomatic victory; but, as in many like cases, it has been achieved at the expense of Europe and the United States. Settlement of one of the most dangerous problems arising from the war has been indefinitely deferred; strife-breeding suspicions and rivalries have been intensified without providing a means of allaying them; and, finally, increased hostility toward America has been bred among the allied nations, which are incensed and utterly bewildered to find that a Government which will not cooperate with them asserts a right of veto and dictation.

"The outstanding feature of the correspondence, indeed, is a tone of bitterness such as is seldom discernible in diplomatic communications between friendly nations, not to speak of associates in a common cause. It is a depressing commentary upon the 'new world order,' to which such ostentatious deference is paid, to find that there is more acerbity, a keener spirit of discontent and accusation, in the messages that passed between President Wilson and the allied premiers than ever marked the notes he exchanged with the government of the Kaiser five years ago. There is left hardly a pretense of harmony, and such desire for cooperation as remains is plainly inspired by considerations of expediency or of need rather than of genuine sympathy and confidence. On one side is manifested the anger of offended arrogance; on the other, a disdain for methods regarded as uncouth, with its expression restrained, however, by fear of vengeful reprisals.

"The record to be examined really begins with the joint Anglo-French American memorandum of December 9 proposing an inclusive settlement of the controversies between Italy and Jugo-Slavia, and the plan of January 14, wherein Great Britain, France, and Italy agreed upon modified terms, the compromise not being submitted in advance to the United States. Most Americans are familiar with the outlines of these two documents, which we discussed in detail last week.

"Sharp inquiry as to the procedure having been made from Washington, the British and French premiers explained on January 23 that the second proposal was 'the best available reconciliation of the Italian and Jugo-Slav points of view'; reminding the President that 'he had not heard the arguments and could not interview the principals concerned,' they intimated that he might concede to them a desire to reach the fairest possible decision. To one of Mr. Wilson's temperament such suggestions were intolerable, and he turned immediately from small-arm fire to heavy artillery, laying down a devastating barrage of reproaches, accusations, and ultimatums.

"His note of February 10 was unusually effective, not because of any innovations in the attack but because his opponents had supplied him with his most destructive ammunition. In the proposal of December Great Britain and France had joined the United States in explicitly rejecting and reprobating Italian demands which the two former indorsed in the modified plan of January. President Wilson did not fail to turn their own words against them. 'The President,' he wrote, 'can not believe that a settlement containing provisions which have already received the well-merited condemnation of the French and British Governments can be regarded as right,' and thereupon he cited the reversals of judgment.

"While the Allies had protested that only two features of the original plan had been changed, and these to the advantage of Jugo-Slavia, he retorted that it had been 'profoundly altered to the advantage of improper Italian objectives.' Against the granting to Italy of a narrow strip of coast near Fiume he quoted the December memorandum to the effect that this 'appears to run counter to every consideration of geography, economics, and territorial convenience,' and he recalled that 'unjust and inexpedient annexation' forbidden in December was approved in January. He also complained of the discarding of his idea of a 'free State of Fiume,' comprising the city and surrounding territory, and the creation of Fiume as an independent city under the League of Nations, 'with the right

to choose its own diplomatic representatives.' Fiume being Italian, such representatives would be of that race, and Mr. Wilson held that the plan 'paves the way for future annexation.'

"It was not upon facts or arguments, however, that he relied to give force to his demand for cancellation of the January proposal, but upon undisguised coercion. When this feature of his note was made known in Paris 'emphatic denial was made at the White House,' according to an inspired dispatch, and officials characterized this interpretation as 'an absolute falsehood.' Yet the text when published showed that the President had made these deliberate threats:

"The Adriatic issue raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in maintaining the peace of the world. If substantial agreement on what is just and reasonable is not to determine international issues * * * then the time is not yet come when this Government can enter a concert of powers. * * * If it does not appear feasible to secure acceptance of the memorandum of December 9, he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France.

"Stripped of diplomatic cant, President Wilson's decree was that unless his view prevailed he would kill both the peace treaty, with the league covenant, and the special treaty guaranteeing support to France in case of attack. Threatened with such dire consequences, the Allies were compelled to seek conciliation, but they could not wholly conceal their resentment nor deal gently with Mr. Wilson's errors of statement and deduction. They did not find it 'altogether easy to understand' his position and declared that there was 'no foundation for the assumption' that they had adopted the Italian view. The 'free State of Fiume,' his great contribution to the settlement, was an idea rejected by both Italy and Jugo-Slavia. Furthermore, the Allies' plan, while transferring 50,000 Jugo-Slavs to Italian sovereignty, restored 200,000 of them to their own fatherland, while Mr. Wilson's map drawing had allotted 400,000 to Italy. Reminding the President that he had withdrawn his representative from the conference and 'could not therefore be in close touch with the changes of opinion and circumstances,' the premiers asked, politely but firmly, 'How does the United States Government propose that this dispute should ever be closed?'

"In studied rebuke they inquired whether Mr. Wilson actually considered that this country 'should withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement'? And they expressed the hope that the United States 'will not wreck the whole machinery for dealing with international disputes because its view is not adopted in this particular case.' They 'could not believe' the American people would 'take a step so far-reaching and terrible on a ground which has the appearance of being so inadequate.'

"They were to be instructed again, of course, that such decisions are made not by the American people but by President Wilson. His second note told them he had 'no choice but to maintain the position he has all along taken.' Otherwise, it was but an extension of his former arguments. He offered, however, one definite concession:

"The President would, of course, make no objection to a settlement mutually agreeable to Italy and Jugo-Slavia regarding their common frontier in the Fiume region, providing that such agreement is not made on the basis of compensations elsewhere at the expense of nationals of a third power.

"In their reply the allied premiers have seized upon this suggestion and have proposed a withdrawal of both the December and January plans, so that the contending nations may try to reach an agreement by negotiation.

"Few Americans will feel competent to adopt offhand judgment upon this complicated problem, but thoughtful students of the correspondence will find in it the most disquieting implications. They will reject, for example, President Wilson's repeated assertion that his Adriatic settlement alone harmonizes with 'the principles for which America entered the war.' By the decision of her people and the explicit terms of her declaration, America entered the war to defeat Germany, to preserve human liberty against the designs of an imperialistic autocracy, to protect American lives from attack and American property from spoliation; she never had the remotest idea of entering the war in order to vitiate a treaty made among the Allies, or to prevent the development of Italy, or to draw boundaries for the Balkan races.

"Despite this fact, the President undertakes to make America responsible for those aims, and to enforce their fulfillment upon Europe by uttering threats in the name of the American people. Reckless of the country's refusal to accept the obligations to which he audaciously pledged it, he still assumes the voice of one whose decrees are law, and menaces friendly

nations with a withdrawal of that which he had no power to guarantee. Hardly less provocative is his hardy insistence that he alone strives for 'equity and right,' while all who question his mandates are selfish intriguers. His intellectual arrogance is not even relieved by a saving grace of humor, for he proclaims that 'no Government or group of Governments has the right to dispose of the territory or to determine the political allegiance of any free people,' and then, having delivered a whole Province of China to Japan, he forbids Italy to possess the Italian city of Fiume and decrees its annexation to a Slav State.

"The one serious plea offered by and for President Wilson is that his course is designed to prevent future strife. He can not, he says, 'sacrifice principles to purchase a temporary appearance of calm in the Adriatic at the price of a future world conflagration.' This would be more convincing if there were any evidence that Mr. Wilson's judgment upon matters of peace and war is sound. It took him two years and a half to discover what the struggle in Europe was about, and his ideas of the proper procedure in peacemaking have brought the world to the verge of a new catastrophe. Does this record argue that he has knowledge superior to the statesmen of Europe respecting a problem so complex as that of the Adriatic? Is it perfectly clear that it were better to obstruct every settlement short of absolute justice—which is utterly unattainable—than to seek a reasonable compromise which would satisfy at least the urgent demand for peace?

"But the most serious aspect of the affair is that, even if the President's course were miraculously designed to solve the Adriatic difficulty, its larger effects would disastrously outweigh that assumed achievement. For he has not only immeasurably strengthened the enmity between Italy and Jugo-Slavia, whatever the ultimate settlement may be, but he has embittered the Italian people against the United States and has destroyed the sense of confidence and cooperation between the Allies and America which was the one hope of making an enduring peace in the world."

WHEAT POOL.

Mr. FERNALD. I ask to have read an article in the Washington Post this morning, on page 11, entitled "Find big wheat pool."

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. FERNALD. As soon as the article has been read I wish to make a few comments upon it.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Reading Clerk read as follows:

FIND BIG WHEAT POOL—UNITED STATES JURY CHARGES GRAIN OFFICIALS PROFITED BY MANIPULATION—OWN 85 PER CENT, IT IS SAID—REPORT SAYS GOVERNMENT CONTROLLERS CAUSED RISE IN PRICE FROM \$2.22 TO \$3.30 FOR HARD WHEAT—A. M. HOUSER "REAL PARTY IN INTEREST," IT IS SAID.

"SPOKANE, WASH., February 29.

"The Federal grand jury has made a report, in which it expresses belief that the credit of the United States Government has been used by wheat speculators to carry the great bulk of the 1919 wheat crop. It states that it is within the power of the Government to reduce the price of flour whenever it chooses and begs such relief.

"The names of high officials of the United States Grain Corporation, organized by the Government to protect its citizens, are mentioned in the report. It follows:

"When the Government appropriated \$1,000,000,000 to buy the 1919 wheat crop, wheat receipts became as good as Government bonds. Banks were glad to loan money in any quantity, to purchase wheat, for the money paid the farmers was immediately redeposited in the banks.

"HELD 85 PER CENT, IT IS CHARGED.

"The minimum price of wheat was fixed in the Northwest at \$2.20 for soft wheat and \$2.22 for hard wheat, coast points, and the prices paid the farmers were these sums less freight to coast points, averaging about 13 cents per bushel, and certain other charges which amounted to from 4 to 6 cents per bushel. In some cases a small premium was paid for hard wheat.

"The majority of the mills in the Northwest are owned by a half dozen concerns, and each in turn has a grain company, which is officered and operated by the men who own the milling concerns.

"From a great mass of testimony presented before the grand jury we believe that 85 per cent of the 1919 wheat crop of this State, estimated at 42,000,000 bushels, went into the hands of these half dozen grain companies and was purchased prior to October 15, before any material advance in price.

BANKS HONEYCOMBED WITH RECEIPTS.

"The banks of this State are honeycombed with warehouse receipts; Spokane banks at one time were carrying \$9,000,000 worth of warehouse receipts, and it is not unusual to find that a small country bank has loaned \$1,000,000 on wheat receipts.

"Having bought practically all of the wheat in the States of Oregon and Washington, these grain companies have been able to advance the price by sales to each other and through manipulations of the grain market centered at Indianapolis and by other methods.

"Although the greater part of the wheat was purchased around \$2.07, the grain companies are selling the wheat to their own milling concerns at the prevailing market price, which at present is from \$3 to \$3.30 per bushel for hard wheat. Their own mills are asserting the rights to manufacture flour on the basis of the price paid for the wheat—a price which is the result of their own acts of manipulation.

"The by-products of flour, bran and shorts, are a necessary food for dairy cattle, and the prices now demanded by these by-products mean destruction of the dairy industry.

"Under regulations existing in 1918 millers were prohibited from making more than 50 cents a ton on mill feeds, and a 'fair' price on carload lots was fixed by the United States Food Administrator at \$28.75 per ton, while to-day mill feeds are selling on the Spokane Exchange at \$43 per ton, carload lots, and \$50 at coast points.

"The Pacific Grain Co., the successor of the M. H. Houser Grain Co., the Pacific Coast Elevator Co., and the Puget Sound Warehouse & Elevator Co. are owned and operated in connection with the Portland flour mills concern, with headquarters at Portland, Oreg.

"These corporations were owned by M. H. Houser, vice president of the United States Grain Corporation for the northwestern district. At the time he became vice president he made some kind of a transfer of his interests in these concerns and does not at this time appear as the owner.

SAY HOUSER IS "REAL PARTY."

"The officers of the United States Grain Corporation for the northwestern district and the offices of the above named being quartered in a building owned by M. H. Houser, in Portland, Oreg., it is, by reason thereof, the belief of the grand jurors that Houser is the real party in interest in the milling and grain concerns above named, and that by reason of his connection with the United States Grain Corporation he has been able to manipulate and operate them to an immense profit to himself and associates.

"The Pacific Grain Co. admits having bought 11,000,000 bushels of the 1919 wheat crop.

"It is impossible for this district to obtain relief, for the grain companies threaten in case action is taken to force them to sell the grain to the mills at the price paid by them plus a reasonable carrying charge to close the mills and ship the grain to eastern points.

"To frustrate any concerted plan of evasion we would urge that the Department of Justice take simultaneous action in all wheat and flour centers of the United States.

GLASS URGED BIG APPROPRIATION.

"According to press reports, former Secretary of the Treasury Glass recommended to Congress the appropriation of \$150,000,000 to purchase flour and wheat. It is our belief that this wheat is now owned largely by speculators, and in some cases by interests directly and indirectly connected with some of the officers of the United States Grain Corporation. Sales to Europe will benefit only the purse of individuals and the consumer will pay the bills.

"We would recommend that a proclamation be issued fixing a selling price of all wheat now held in the United States at the price paid the farmers, plus a reasonable carrying charge, said fixed price not to apply to the producer, and that similar price be fixed on flour and mill feeds.

"We further recommend that no appropriation be made by Congress to finance the sales of wheat, flour, or mill products to foreign countries until such time in which the American people are relieved from paying the extortionate prices now required of them by reason of the grain manipulation as herein stated."

"The report is signed by L. Roy Slater, foreman, and George W. Fuller, secretary."

Mr. FERNALD. I also ask to have printed an article on the same subject from the New York American of this date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York American, Mar. 1, 1920.]

ONE HUNDRED AND FIFTY MILLION DOLLAR WHEAT CONSPIRACY CHARGED—BREAD BOOSTED 50 PER CENT—UNITED STATES OFFICIALS NAMED—GRAND JURY'S FINDINGS ARE PIGEONHOLED IN WASHINGTON—M. H. HOUSER, MILL OWNER AND A FORMER FOOD OFFICIAL, ACCUSED OF MAKING HUGE WHEAT CORNER—HOOVER FOOD PLAN INVOLVED—SPECULATORS FACING RUIN UNLESS GOVERNMENT APPROPRIATES HUGE SUM TO TAKE THEIR GRAIN.

WASHINGTON, February 29.

"The report formulated by the Federal grand jury at Spokane, Wash., involving the United States Grain Corporation in an alleged 'billion-dollar manipulation' by wheat speculators, and affecting directly every bread consumer in the Nation, was received by the Department of Justice about the middle of February.

"The report, amazing in detail and striking to the heart of an alleged system of secret 'jockeying' of the bread market, was made February 7. It was pigeonholed by the Department of Justice.

"Responding to the urgings of M. H. Houser, one of the vice presidents of the United States Grain Corporation, and who is accused virtually of having profiteered in the sale of wheat while holding a Government office, and the strong recommendation by Julius H. Barnes, head of the Grain Corporation, the Department of Justice later 'got busy.'

"Although the department had shelved the recommendations of the Spokane grand jury for a blanket investigation, it now appears ready to conduct an inquiry on the pleas of Houser and Barnes. This inquiry, being conducted at Portland, Oreg., appears to be an investigation of the grand jury which had urged an investigation of the alleged manipulations in wheat.

HOOVER'S PLAN INVOLVED.

"Involved in the case, as pointed out in the presentment, is the propaganda of Barnes and Herbert Hoover as appearing in their newly acquired newspaper in Washington to 'boost' the plan to finance wheat and flour to foreign countries on a large scale.

"The Hoover-Barnes propaganda and the 'rush' with which Barnes and Houser stirred up the 'investigation' of the grand jury is interpreted by men of high office to mean that the 'hand-writing on the wall' has been seen and feared.

"It is maintained that the Nation-wide scheme alleged will not be realized unless the speculators are successful in inducing Congress to use \$150,000,000 of the appropriation to take the wheat which they have cornered off their hands.

"It is the above appropriation that Hoover and Barnes are urging in their newspaper.

"Faced by the coming expiration of the Government's minimum price guaranty and the probable subsequent recall by the banks of the millions which they have loaned on warehouse receipts, it is claimed these speculators now see ruin impending unless they can get rid of their holdings prior to the harvesting of the 1920 crop.

OFFICIALS ARE ACCUSED.

"It is in this speculation, deep down, that some of the officials of the United States Grain Corporation are involved, according to the Federal grand jury's charges.

"The grand jury intimated strongly that the motive which prompted the grand jury to investigate the conditions prevailing in the wheat market was to make public the machinations of the grain ring and to prevent them from using the United States Treasury or its credit, and further as a shield from the unexpected results of their alleged manipulations.

"In the opinion of the grand jury, the situation which they discovered in Spokane and its vicinity exists on a similar scale throughout the wheat-growing districts of the United States. Instead of launching the systematic investigation urged by the grand jury to protect the rights of consumers, the only action even contemplated by the Department of Justice appears to be the investigation of the grand jury which had made the report.

"It is regarded as significant that when the substance of the presentment was first made known in official channels that Houser wired Attorney General Palmer for a 'complete investigation.' It is also understood from an excellent source that Julius H. Barnes also requested an investigation.

"Mr. Barnes's contention, it was said, was that a grave charge had been made against a man connected with the Grain Corporation and that another inquiry was necessary to determine whether the charge were true. If it were true, Mr. Barnes is reported to have told the Attorney General, Mr. Houser should be indicted.

"The Attorney General ordered the Portland investigation, but not on the strength of the presentment which had urged

immediate action, and which was pigeonholed, but after Houser and Barnes had acted.

JURY IS IGNORED.

"Not only did the Department of Justice fail to act on the grand jury's request, but officials of that bureau refuse to explain the 'why' of the pigeonholing episode.

"While denying the charges made by the Federal grand jury as being 'a damnable attempt to besmirch my integrity, prompted by political motives and motives of jealousy,' at Portland last night, M. H. Houser admitted his connection with the Pacific Grain Co. as stated in the presentment.

"Mr. Houser stated that he retained complete control of the grain organization he had built up before the war and that two years ago he had bought the entire chain of Theodore E. Wilcox properties, which include the Portland Flouring Mills and the Tacoma Warehouse Co. He controls in all 9 mills and 148 warehouses and elevators.

"United States Attorney Francis Garrecht, who conducted the investigation of the grand jury, said to-day, according to advices from Spokane:

"Houser's statement, to say the least, is neither clear nor convincing. People who know Mr. Houser best will be inclined to doubt his assertion that he was losing hundreds of dollars a day on the flour that he was milling. His insinuation that there was any ulterior motive or purpose on the part of the grand jury or the Department of Justice is absolutely without any foundation in fact.

"The farmer organizations to which he alludes as being opposed to Hoover and consequently inimical to himself were not known to exist by this grand jury.

"Probing deep into the affairs of the Houser concern, the grand jury found that Houser had bought up 11,000,000 bushels of the wheat crop.

"From an excellent source it became known to-day in a dispatch from Spokane that the abnormally high price of mill feed, rather than the sudden rise in wheat, was the original incentive to the grand-jury investigation.

DAIRYMEN FORCED OUT.

"Until the armistice in November, 1918, the United States Food Administration, controlling the mill-feed situation, kept the price of feed at \$28.75 per ton. But when this control was withdrawn the mills at once raised the price to more than \$40 a ton.

"As a result, many of the dairymen in the Spokane district were compelled to sell their cows and abandon business. The situation was growing acute when, in the fall of 1919, Julius H. Barnes, president of the Grain Corporation, was asked by numerous dairymen for relief. Barnes is reported as having stated that the Grain Corporation could do nothing to control the price of mill feed.

"District Attorney Humphreys, at Portland, who is in charge of the 'new investigation,' said:

"These charges against Houser are of a most serious nature, amounting to an allegation that he has profited in the sale of wheat while holding a Government office.

"Senator GRONNA, of North Dakota, was one of the Members of the Senate to express wonder as to why the Attorney General had not taken action on the report of the first grand jury, as was Senator CAPPER, Republican, of Kansas."

Mr. FERNALD. Mr. President, for several months the Senate and the House of Representatives have been undertaking to lower the price of foodstuffs. We have investigated very many private concerns all over the country. I do not know a thing about this matter other than is stated in the article in the morning Post, except that I know in banking circles all over the country for the past six months it has been generally known that the banks in the Northwest were filled with wheat receipts and that many of the small banks have loaned out as much as a million dollars, country banks which naturally would not lend any one line of business more than three or four hundred thousand dollars. If this be true—and I am going to suggest that the matter be taken up by the Agricultural Committee—there ought to be an investigation of the subject.

We do know that for months the Federal Trade Commission have investigated all kinds of private business and have attempted to bring business men before the bar of public justice for the very small amounts which they have shown that those men have made in connection with the sale of different food products, and while the newspapers of the country have been filled with reports concerning the investigation of the five great meat packers, this Government organization has been making more than a dollar a bushel on every bushel of wheat that has been raised in some of the Western States.

The price which was fixed by the Government of \$2.20 per bushel for wheat has gone to \$3.20 per bushel. We have known that somebody was making money in the transaction. If this

be true, every one of the men who have been associated in this matter ought to be indicted for grand and petit larceny. It is the most deplorable condition that has ever been brought to the attention of the people of the country, and the Senate of the United States ought to begin an investigation of the matter to-day.

Mr. President, I have been so opposed to all Government control of activities and to the different agencies which have been instituted to bring about such control that when I read an article of that kind I have hardly the patience to give it fair consideration or discussion. Every effort the Government has made to operate private business has resulted in failure. We have learned from the reports of the Railroad Administration and from the investigations of the Interstate Commerce Committee running over a period of several months that the Government has been operating the railroads at a loss of hundreds of millions of dollars; but, Mr. President, that does not begin to compare with the loss to the railroads of the country. The railroads are in a deplorable condition. In my State one great system that has been in the habit of laying more than 40,000 ties each year has not laid a new tie in the last three years.

We know of the great shortage of cars which are required for the transportation of fuel and food products all over the country. There have been none of these cars repaired, and it will be found that every siding from here to the State of Maine and from here to the Northwest is filled with cars that need some little repairs.

We have before us another committee proposition relative to operating the ships of the country, and an appropriation of \$75,000,000 has been asked for the repair of a few ships in order that the Government may operate them; and yet every report as to every ship which has sailed out of our ports under Government control indicates that the operation has been conducted at a loss, although ocean freight rates have been advanced to an amount which is almost beyond the conception of the mind of man, at the expense, as my friend from Kansas [Mr. CAPPER] demonstrated last week, of the American farmer. The situation has become such that food products can hardly be sold and shipped across the water by American farmers and merchants. Rates have been advanced from 200 to 400 per cent on such products, and yet we have the proposition to consider as to whether or not we shall continue the operation of ships.

The same condition exists as to the Fuel Administration; and I might go through other Government activities and demonstrate that a similar situation prevails. Only last Saturday I took up a newspaper, and I read that there are 39 different bureaus and 9 departments doing precisely the same thing, making 48 bureaus and departments that were operating and asking the same questions of the business men of the country.

All I wish to do is to submit this matter to the Agricultural Committee and ask that it be investigated. From now on let us see to it that every one of the Government agencies that are so active in interference and in the embarrassment of business shall be abolished and that business men have an opportunity to carry on their business in their own and a businesslike way so long as it is legitimate.

Mr. JONES of New Mexico and Mr. PHELAN addressed the Chair.

Mr. FERNALD. I will yield in just a few moments. I shall soon be through. If it be true that the officials in the United States Grain Corporation have been speculating, as this article suggests, I repeat that they ought to be indicted for grand larceny and sent to State prison.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Mexico?

Mr. FERNALD. I yield to the Senator.

Mr. JONES of New Mexico. The article presented by the Senator from Maine carries with it a very strong imputation of personal and official misconduct. It purports to be the finding of a grand jury, if I have been able to understand the language of the article as read. I should like to inquire of the Senator from Maine if the grand jury was charged with the investigation of such subjects?

Mr. FERNALD. That is precisely what I want to know. I have only the information from the Washington Post. If it is true that the grand jury is making an investigation, that would be sufficient; but I thought the Agricultural Committee could make such inquiries as might be necessary.

Mr. JONES of New Mexico. I also observed from the reading of the article that it recommended that the Attorney General take some steps regarding the matter. That was an indication to my mind that the grand jury itself had no jurisdiction, and, therefore, that it was acting wholly outside of any duty imposed by law. Does the Senator from Maine so understand?

Mr. FERNALD. I think so, I will say to the Senator from New Mexico.

Mr. JONES of New Mexico. Then, if that be true, we have here an article which purports to come from a grand jury which went outside of its jurisdiction to take up a subject about which it had made no examination; and it would seem from the reading of the article that the grand jury made this report, in whatever form it may be, upon mere rumor. Does not the Senator from Maine so understand?

Mr. FERNALD. I understand that the facts of the article are correct. Just what the legal status of the case is, I do not know, not being a lawyer; but I know that the price of wheat is very much higher than it ought to be, and that it costs every man who purchases a barrel of flour to-day at least \$4.50 more than it should.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. I think I can, perhaps, throw a little light upon the matter. My information is—and I derived it not only from the article which has been read but from a number of other articles which I have read—that an investigation was made by the State grand jury of a number of matters which came before its attention. It also made an investigation respecting the high price of commodities within the State, and reached the conclusion that no State law was infringed by the action of the individuals and corporations and organizations referred to; but it also reached the conclusion—that is the information I have received—that this matter came within the denouncement of the Federal statute—the Sherman antitrust law—and recommended proceedings under the Federal statute.

Mr. JONES of New Mexico. Mr. President—

Mr. WADSWORTH and Mr. LODGE rose.

The PRESIDENT pro tempore. Does the Senator from Maine yield; and if so, to whom, as there are three Senators on the floor?

Mr. WADSWORTH. There is a unanimous-consent agreement printed upon the calendar this morning under which we are exceedingly anxious to bring up the Military Academy appropriation bill. I am therefore constrained to ask for the regular order.

Mr. JONES of New Mexico. I merely desire to say, if the Senator will allow me just a word—

Mr. WADSWORTH. I have raised the question of the regular order.

Mr. JONES of New Mexico. If the Senator from New York calls for the regular order, he has a right to do so, but I should like to state—

The PRESIDENT pro tempore. The Senator from New York demands the regular order.

Mr. WADSWORTH. If the discussion does not go to any great length I shall not object, but I simply have the interest of legislation at heart; that is all.

Mr. JONES of New Mexico. I will wait until the regular order is laid before the Senate.

Mr. FERNALD. I wish to say—

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. FERNALD. Just a moment, Mr. President—

Mr. LODGE. Let us have the regular order, Mr. President. The understanding was that the Military Academy appropriation bill should be taken up at the earliest possible moment. I ask for the regular order.

The PRESIDENT pro tempore. If there be no reports of committees, bills and joint resolutions are in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3996) to authorize the sale or lease of real estate or any interest therein, acquired for the use of the Army since April 6, 1917, and no longer needed therefor; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A bill (S. 3997) for the relief of D. Beatrice Arline; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 166) to permit the payment of certain money for the acquisition of land for the United States

Army General Hospital No. 19, Azalea, N. C.; to the Committee on Military Affairs.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to increase the appropriation for investigations in operation of seed and plant introduction, etc., from \$82,700 to \$114,200, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to grant authority to the Secretary of Agriculture to accept lands for field stations, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMNESTY TO PRISONERS (S. DOC. NO. 241).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to lie on the table and to be printed:

To the Senate:

I transmit herewith a communication from the Acting Secretary of State replying to the resolution of the Senate dated January 13, 1920, requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,

27 February, 1920.

SHIP AND RAIL TERMINAL ON SAN DIEGO BAY.

Mr. PHELAN. I ask unanimous consent to have printed in the RECORD a resolution of the common council of the city of San Diego, Calif., making a proposition to the Federal Government for terminal shipping and rail facilities on San Diego Bay.

There being no objection, the resolution was ordered printed in the RECORD, as follows:

Resolution of the common council of the city of San Diego, Calif. (Res. No. 25266), approving the proposed establishment of a Federal ship and rail terminal on San Diego Bay, at such point and under such policy as Congress may prescribe, as a means of furthering overseas commerce.

"Whereas the city of National City, located on San Diego Bay, has by resolution of the city trustees, the legislative body of said city, of the date of December 18, 1917, tendered to the Federal Government without cost tidelands bordering upon the channel waters of San Diego Bay for the establishment of a Federal ship and rail terminal in the interests of commerce and navigation; and

"Whereas the city of San Francisco, the 'premier port' of the Pacific, has by resolution of the board of supervisors, the legislative body of said city, of the date of December 30, 1917, ceded to the Federal Government all tidelands standing in the name of the city, together with all streets and street ends, without cost of any kind, for the purpose of establishing a Federal ship and rail terminal as a means of promoting the interests of commerce and navigation, in accordance with the existing and contemplated policy of furthering overseas trade; and

"Whereas at a public hearing before the United States Senate Committee on Commerce held in Washington on February 4, 1920, Gen. William B. Black, former Chief of Engineers of the United States Army, now serving as engineer adviser for the National Shipping Board, controlling and operating Government merchant ships of the value of \$2,000,000,000, recommended the construction and operation of a modern Federal ship and rail terminal at Bayonne, N. J., in order to relieve the congestion and escape the extortionate rates charged for berth space in the port of New York, an increase from the prewar price of from \$60 to \$80 per day, as stated by Gen. William Black, to \$250 and \$666, thereby imposing undue burdens upon the sea commerce of the Nation at a time when overseas trade is in the balance, demanding the highest efficiency in ship and seaboard rail movement; and

"Whereas the city of San Diego, State of California, was the first municipality in the United States to anticipate naval needs of the Nation by the cession of 500 acres of tidelands without cost for the establishment of a naval base, upon which the Secretary of the Navy has recommended the expenditure of \$30,000,000 in the form of sea walls, channel dredging, ship-repair yards, marine ways, and other aids to navigation in keeping with the national policy of naval expansion; and

"Whereas the physical conditions of San Diego Bay are such that provision for the channel and general port needs of the Navy in the form of increased channel area will furnish the basic needs of the nationally owned merchant ships by a single outlay, with the exception of modern docks and rail terminals: Now, therefore, be it

"Resolved by the common council, the legislative body of the city of San Diego, State of California, as trustee of all the tide-lands bordering upon San Diego Bay within its corporate limits, That it views with favor the establishment and operation of Federal ship and rail terminals, as advocated by Gen. William M. Black, engineer adviser of the National Shipping Board, and hereby pledges its support and assistance in every way possible to the accomplishment of that object as an aid to overseas commerce and national trade expansion; and be it further

"Resolved, That a copy of this resolution be transmitted to the National Shipping Board, the United States Railroad Administration, and to the Federal Representatives of the State of California at Washington.

"Presented by Councilman Virgilio Bruschi.

"I hereby certify the above to be a full, true, and correct copy of resolution No. 25266 of the common council of the city of San Diego as adopted by said council February 11, 1920.

[SEAL.]

"ALLEN H. WRIGHT, City Clerk."

THE ADRIATIC SITUATION.

Mr. FRELINGHUYSEN. I ask to have inserted in the Record an article from the Sun and New York Herald of Saturday last on the Adriatic situation.

* There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Sun and New York Herald, Feb. 28, 1920.]

MR. WILSON'S ADRIATIC DISPUTE EXPOSES OUR DANGER FROM THE LEAGUE OF NATIONS.

"Into his challenge of the decision of the Governments concerned in the Adriatic crisis Mr. Wilson has put all the brilliance and power of intellect which he gives to any cause that he makes peculiarly his own. His indictment of their methods and purposes is as shrewd a piece of mingled idealism and casuistry as his keen mind has ever contrived.

"The President, indeed, was never in truer Wilson form than when he threatened to kick the League of Nations into kingdom come because the proposed settlement of the Adriatic question was not to his liking. His disregard of the practicable, his pursuit of the unattainable, were never more complete. His insistence that a mutual understanding among several nations must always mean acceptance of his views was never more unqualified; his intolerance of a majority dissent from those views never more absolute.

"In the Adriatic matter, as Mr. Wilson sees it, as he expresses it, and as he decrees it, it is not a question of what is now possible. It is not a question of what Great Britain and France, bound by a treaty compact with Italy, now want and can agree upon. It is not a question of what Italy and Jugo-Slavia now want and can agree upon. It is not a question of what the different elements of the population of Fiume now want and can agree upon. It is a question of what Mr. Wilson wants them all to want, and what he is willing to permit them to agree upon.

"It unquestionably is a fact, as Mr. Wilson declares, that there is not perfect justice in the compromise settlement. The Allies themselves say so. Both Jugo-Slavia and Italy concur. But anybody except Mr. Wilson must concede that no settlement that could be worked out by mortal man would give perfect justice to everybody. Short of Heaven itself, there is no such thing as perfection of anything. When different interests are in conflict there can be no such thing as full satisfaction to all.

"Furthermore, what might be justice to all those nations concerned, in the opinion of Mr. Wilson, might, in their own opinion, be justice to none. The Allies, in truth, point out to the President that the proposed terms of settlement take away from Italy things and rights which Italy has believed and still believes are hers. In the same way Jugo-Slavia, while getting such surrendered things and rights, does not get and could not get others which her nationals claim as naturally belonging to them. But each is benefited. Both are more content:

"The origin of the proposal of January 20 lies in the fact that when the Prime Ministers of Great Britain and France came to deal directly both with the representatives of Italy and Jugo-Slavia in Paris they found that nobody desired the consummation of the free State of Fiume, which had always been an essential part of the American proposals for settlement. They discovered that Jugo-Slavia would prefer a settlement which did away with the free State, including, as it does, a population of 200,000 Slavs, and included as much as possible of its territory and population within its own borders. Accordingly the Governments of France and Great Britain, continuing

the negotiations from the point at which they had been left on December 9, made the proposal under discussion, including the rectification of the Wilson line and the cessation to Italy of a strip of territory running along the shore so as to connect it with the free city of Fiume. The net upshot of which was that Jugo-Slavia was to gain, as compared with the American proposal, an additional 150,000 Jugo-Slavs, while agreeing to the inclusion within the Italian frontier of a further 50,000 Jugo-Slavs in addition to the 400,000 which President Wilson had already agreed to allot to that country.

"If Mr. Wilson himself were the sole arbiter of the points in dispute, if he were determining the questions in accordance with his principles of justice, he could not satisfy all the claimants, he might not satisfy a single one of the claimants. He might not satisfy a soul on earth but himself. Groping after the shadow of exaggerated idealism but rejecting the substance of practical compromise, he might wrong and inflame all. The only practical thing, as the joint notes of the Allies well say and as they quote Mr. Wilson himself as having once said, is to come as near as possible to giving general satisfaction:

"The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavoring to enforce preconceived ideas on refractory material has been recognized by the one more clearly than the other, and in his address at the opening session of the peace conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the peace conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war.

"But perfect or imperfect justice in this Adriatic crisis, wise solution or unwise solution of this delicate, difficult, and dangerous problem, nothing could more strongly emphasize the pitfalls for everybody of this League of Nations, conceived out of the imagination of Mr. Wilson, than the President's action. Nothing could more vividly reveal its perils to the United States than the very argument, protest, and wrath of Mr. Wilson against this compromise decision.

"Here is the League of Nations—Mr. Wilson's own league, as he willed to impose it on our country—in existence and in operation. Here it is functioning in one of the crucial situations of the Old World. Here is the first great decision of members of Mr. Wilson's league in a question which affects the peace and safety of Europe. It is a decision acceptable to Europe in general and to those most directly concerned in particular. But straightway Mr. Wilson, creator of and sponsor for that very league, sets all Europe by the ears with his refusal to abide by the decision, although the United States is not even a member of the league.

"Suppose the United States were already in the league. Suppose Mr. Wilson, then acting for this Government instead of merely for himself as now, threatened to snatch our country out of the league because he did not like a decision reached by its members, except for him, unanimously. Suppose he threatened to cancel on the spot all the contracts we had made with the league, all the obligations we had assumed directly and indirectly with its members. Suppose he threatened to ride roughshod over the League of Nations to compel it to do his bidding. What an uproar this country and the world would be in because of our membership in his League of Nations! To what a danger of war he would have exposed us! Into what a welter of war he might actually have plunged us; and, as we say, through this very League of Nations—Mr. Wilson's own League of Nations—which he has been determined to jam down the throats of the American people."

RAILROAD WAGE CONTROVERSIES.

Mr. POMERENE. I have sent for a copy of the letter which was addressed by the President to the railroad organization representatives relative to the wage controversy. I do not have it before me, but it appeared in the Sunday morning papers, and is of such universal interest that I ask that it be incorporated in the Record without reading.

The PRESIDENT pro tempore. Is there any objection to the request of the Senator from Ohio?

Mr. GORE. I did not understand the request.

Mr. POMERENE. The request was that the letter written by the President to the different railroad organizations, bearing upon the subject of wage controversies, may be incorporated in the Record.

Mr. GORE. I have no objection. I should like to ask that there also be printed in the Record the manifesto issued by the brotherhoods, I believe, or by organized labor, a few days ago, just before the passage of the bill. Whether Senators entirely approve of its arguments and conclusions, it seems to me that it ought to be in the Record. They have a right to state their side of the case in their own way, and those who wish to consider the whole case ought to have access to it.

Mr. POMERENE. I have no objection.

Mr. GORE. I was sure the Senator would not object. The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.
The matter referred to is as follows:

WILSON'S LETTER TO HEADS OF RAIL UNIONS ON WAGE ISSUE.

President Wilson yesterday sent the following letter to the chiefs of the railroad labor unions who are negotiating for wage advances:

"THE WHITE HOUSE,
Washington, 28 February, 1920.

"GENTLEMEN: Your letter of the 14th instant and the subsequent arguments presented on your behalf with reference to the subject of pending claims for wage increases have had my careful consideration. The passage of the railroad bill by the House of Representatives on the 21st instant and by the Senate on the 23d instant has made it evident that I could not act upon your suggestions until it should be determined whether the bill would become a law or not. It was manifest that if the bill should become a law the negotiation and consideration of the wage matter ought to proceed in harmony therewith.

"The bill having now become a law, the way is open for immediate action on the wage matter in accordance with the terms of the bill. Section 301 of the bill evidently contemplates that the carriers and employees should, as suggested by you, select representatives who will thus constitute a bipartisan board for the purpose of attempting by conference to agree upon a solution of this wage problem. In accordance with the assurance I gave last August and repeated in substance in my letter of the 13th instant, I shall at once request the carriers and the employees to join in this action. I believe such a step will go far toward clarifying and maturing the subject for final disposition. In fact, the sort of board thus contemplated by section 301 appears to be an appropriate substitute for the committee of experts which I have heretofore suggested, and indeed such a board will be authorized to go further than such a committee could have gone.

DIFFERS AS TO LABOR BOARD.

"While it is true that the provisions of section 307 of the railroad bill relating to the labor board will probably also come into operation as to this wage matter, nevertheless the bipartisan board can make a great deal of progress which will materially diminish the time to be consumed by the labor board; and while the bipartisan board is functioning, the appointment and organization of the labor board can be expedited.

"I can not share the apprehension of yourselves and your constituents as to the provisions of the law concerning the labor board. I believe those provisions are not only appropriate in the interest of the public, which, after all, is principally composed of workers and their families, but will be found to be particularly in the interest of railroad employees as a class.

"The argument that the public representatives on the labor board will be prejudiced against labor because drawn from classes of society antagonistic to labor can and ought to be overcome by selecting such public representatives as can not be charged with any such prejudices. Nor do I anticipate that the public representatives will be against wage increases because they involve rate increases. Not only must public representatives be selected who can be relied upon to do justice, but the bill itself provides that the labor board shall establish rates and wages and salaries which in the opinion of the board are 'just and reasonable'; and it is further provided that the entire labor board shall be guided by the very important standards which are provided in the law, those standards including the wages paid for similar kinds of work in other industries, the relation between wages and the cost of living, the hazards of the employment, the training and skill required, the degree of responsibility, the character and irregularity of the employment, and the correction of inequalities as the result of previous adjustments. Coupled with the direction to the labor board to take into consideration these important standards is the highly important direction to the commission to prescribe rates sufficient to admit of the payment of the reasonable operating expenses, including, of course, fair rates of wages.

EXPECTS NEW WAGE ERA.

"My hopes are that the putting into effect of these provisions with a carefully selected labor board whose public representatives can be relied upon to be fair to labor and to appreciate the point of view of labor that it is not longer to be considered as a mere commodity will mark the beginning of a new era of better understanding between the railroad managements and their employees, and will furnish additional safeguards to the just interests of railroad labor.

"I am sure that every agency which will be involved in the creation of the labor board and in the conduct of negotiations fully appreciates that the wage demands are entitled to the

earliest possible consideration and disposition, and therefore I do not anticipate delay in the appointment and organization of the labor board or in the other necessary steps.

"Sincerely, yours,

"WOODROW WILSON.

"Messrs. B. M. Jewell, W. S. Stone, Timothy Shea, L. E. Sheppard, W. G. Lee, S. E. Heberling, E. J. Manion, James W. Kline, William H. Johnston, M. F. Ryan, Louis Weyand, John J. Hines, James Noonan, James J. Forrester, and D. W. Helt."

WASHINGTON, D. C., February 17, 1920.

To the Members of the Congress of the United States.

GENTLEMEN: The organizations whose names are attached respectfully urge the defeat of the conference report for the return of the railroads to their owners.

These organizations are fairly representative of the mass of the people of the United States. They represent directly 2,000,000 organized workers.

We believe that we may claim to reflect the wishes, opinions, and interests of a great majority of the people of the country. Certainly we have no sinister interest in the railway question.

Speaking in our official capacity, we earnestly urge that Federal operation of the railroads be continued for at least two years more, in order that a reasonable test may be made of Federal operation under normal conditions, so as to ascertain whether the Government can not operate the railroads more cheaply, more efficiently, and more satisfactorily to the country than is possible by private operators interested only in the making of profits.

The railroad question is exclusively a public question. Railroads should be agencies of service, not profit. America is the only nation in the world of any importance that even contemplates the private operation of its transportation agencies.

We urge the continuation of Federal control for the following reasons:

1. The reports of the Director General of Railroads indicate that the railroads are on a paying basis, or are in a fair way to earn all charges against them and possibly accumulate a surplus.

2. A return of the railroads means an increase in the rates of from 25 to 50 per cent. This means an addition of freight rates of at least \$1,000,000,000 a year. It may be much more. According to the estimates of the Director General and Interstate Commerce Commissioner Woolley, this will involve a cumulative increase in added costs to the public of from three billion to five billion dollars a year.

3. Such an increase in railway costs will be shifted to the consumer, already struggling under an unbearable living cost. It will be shifted to food, to fuel, to building materials, to everything the people use. It can not be otherwise. Much of the railway rate increases must be borne by the producing classes, and especially by the workers and the farmers.

4. The railroad owners and executives are urging the validation of watered securities of many billions of dollars. This is one of the main objects desired by the railroads. They desire, first, a guaranteed subsidy, and, second, the underwriting of 50 years of railway exploitation.

5. We protest against the subsidizing of any industry or the guaranteeing of a return to stockholders. There is no more reason for the subsidizing of the railroads than there is for thousands of other corporations that have suffered as a result of the war. The demand of the railroads can, with perfect propriety, be urged by street railways, by electric-lighting corporations, by other corporations, and even by individuals.

The subsidization of any industry is contrary to American traditions.

6. The Cummins-Esch bill, with its guaranty of earnings, is an invitation to waste and extravagance. If guaranteed a return, railway operators will be under no impulsion to keep down their own salaries, to buy cheaply, or to operate the railroads efficiently. Waste is inevitable under any kind of a guaranty of earnings. This is especially true with railway officers and stockholders, interested as they are in every kind of supply bought by the railroads.

7. Bankruptcy, we believe, is inevitable if the railroads are returned. For two years traffic has been short-routed. It has been sent over selected lines. A great part of the mileage of the country is not earning operating expenses and fixed charges. Receiverships are inevitable if the railroads are unscrambled and each one left to shift for itself.

8. Railway bankruptcy in the United States may bring on a panic. Railway securities and Government bonds are almost the only solvent securities in America. They form the basis of a great part of our credit. If they tumble, industry may tumble with them.

9. World-wide bankruptcy may result from such a collapse. The credit of the world rests in America. If the financial structure of America collapses, there may be a world collapse.

10. Return of the railroads to their owners means their return to Wall Street. It means a return to J. P. Morgan & Co., the National City Bank, the First National Bank, and Kuhn, Loeb & Co. For proof of this fact we refer you to the report of the Pujo investigating committee made to Congress in 1913.

Congress should at least return the railroads to their owners, rather than to incompetent banking managers. It should return them to clean hands, not to the men who bankrupt the New Haven, the Rock Island, the Pere Marquette, the Frisco, the Cincinnati, Hamilton & Dayton, and a score of other profitable corporations.

11. Our foreign trade is dependent upon a highly mobilized and unified transportation system. Germany, France, and England own and operate their railroads and are using them to build up their foreign trade.

12. An increase in freight rates must be borne largely by the farmers. The price of farm produce is fixed in the markets of the world. If freight rates are increased, the amount the farmer receives will be diminished to that extent.

13. Industrial unrest is universal. It is born of the labor shortage on the one hand and the high cost of living on the other. The return of the railroads at this time is an invitation to still further industrial disturbances.

14. The banking groups which control the railroads also control all of the major trusts. They control anthracite and bituminous coal; they control iron and steel; they control all kinds of food supplies; they control the five packing plants; they are interlaced with all of the major trusts.

Under these conditions the banking-railway managers will inevitably use their power to aid the monopolies which they control. In some way or other they can grant preferential rates. The Standard Oil Co., the Anthracite Coal Trust, the Packers' Trust, the Steel Trust, the great trusts of America were built up by discriminating freight rates. Neither the law nor the Interstate Commerce Commission can prevent such discriminations.

No single thing will be a graver menace to the productive resources of America than to place the railroads in the hands of men to whose interest it is to strangle competition.

15. Under Federal operation the Southern States of America have had a square deal. Ports, harbors, terminals, and shipping lines have been stimulated from the Rio Grande to Baltimore. Railway executives of the lines leading into New York have announced that they will resume the preferential treatment of New York. This will kill southern ports, southern shipping, southern industry.

16. Federal administration has made colossal savings, economies, efficiencies. It has consolidated terminals. It has merged car, motive, and other equipment. It has increased the car equipment of the country alone by 300,000 cars. A freight car is at home to-day any place in the United States. This is equivalent to adding \$900,000,000 to the assets of the railroads. Needless passenger trains have been taken off, many officials have been released, high salaries have been cut down.

The economies so introduced, as reported by the regional directors of the railroads, amount to at least \$200,000,000 a year.

17. The railroads of the country have destroyed water competition on which the Government has expended hundreds of millions of dollars. Water competition is cheap. It menaces railroad earnings. We can never use the Great Lakes, our rivers, or develop coastal trade so long as the railroads are in private hands and find it in their interest to smother and destroy water competition by denying it terminal facilities, proper connections, and other opportunities to live.

18. Director General McAdoo, as well as Interstate Commerce Commissioner Woolley, have urged the electrification of the railroads or the building of central power stations at the mines. They have indicated colossal savings from the elimination of the haulage and consumption of coal. Coal alone costs the railroads \$400,000,000 a year. The railroads will not electrify the lines. It will destroy the best market for coal which railroad operators themselves own. It will cut into their profits as coal operators. The United States will only electrify the lines by Government action.

19. Transportation is the most vital agency in the economic and industrial life of a nation. It vitally affects every man, woman, and child in the country. It determines the amount of wealth produced. It decides for us what section of the country shall grow and what section shall not. It determines the prosperity or failure of industry. It controls the life of the farmer. It affects 2,000,000 employees. It is far and away the most important industry in the country. On it every other industry and every other worker depend.

20. Before the railroads are returned we believe a thorough study should be made of the transportation needs and possibilities of the country. It should be such an inquiry as was made of banking and credit prior to the passage of the Federal reserve banking act. It should be broad enough to include the economies and efficiencies from the merger of rail and water transportation, from unification of terminals, of shops, of rolling stock, and motive power. A study should be made of water transportation and electrification. A similar inquiry should be made as to decentralization of administration.

A matter of most vital interest is the enlisting of the employees so that they will work harmoniously, willingly, and efficiently. It is a colossal waste to exclude from railway operation the contributions of 2,000,000 men with lifelong experience in the railway industry.

The development of southern and Pacific ports should be studied so as to promote South American, Asiatic, and foreign trade.

The railroad question is an industrial question. It is a social question. It is far more than a question involving the dividends to stockholders or the wages of employees. It is a question that involves every industrial activity of the country.

Believing that the return of the railroads under the terms proposed in the pending bills neglects all these questions and makes their solution impossible; believing, further, that the provisions for a subsidy and for the utilization of public funds by private individuals is a betrayal of the public interest and is subversive of the traditions of the country; believing that the pending bills are an invitation to waste; believing that the worker and the farmer will be made to pay tribute to financial exploitation and that the people will be called upon to bear an unnecessary load, measured by billions of dollars, that will be saved by Government control; believing that the return of the railroads at this time is as calamitous a proposal as could be conceived—believing in all these things, we feel justified in protesting with all the emphasis at our command against the passage of the pending railroad bill.

We beg to remain,

Very respectfully, yours,

W. S. Stone, grand chief engineer Brotherhood of Locomotive Engineers; Timothy Shea, acting president Brotherhood of Locomotive Firemen and Enginemen; L. E. Sheppard, president Order of Railway Conductors; Wm. H. Johnston, international president International Association of Machinists; J. J. Hynes, international president Amalgamated Sheet Metal Workers' International Alliance; Martin F. Ryan, general president Brotherhood of Railway Carmen of America; E. J. Manion, president Order of Railroad Telegraphers; A. E. Barker, grand president United Brotherhoods of Maintenance of Way Employees and Railway Shop Laborers; B. M. Jewell, acting president Railroad Employees' Department, American Federation of Labor; J. W. Kline, general president International Brotherhood of Blacksmiths, Drop Forgers, and Helpers; Lewis Weyand, acting international president International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; James P. Noonan, international president International Brotherhood of Electrical Workers; S. E. Heberling, president Switchmen's Union of North America; James J. Forrester, grand president Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; D. W. Helt, president Brotherhood of Railway Signalmen of America.

MILITARY ACADEMY APPROPRIATIONS.

The PRESIDENT pro tempore (at 11 o'clock and 33 minutes a. m.). Morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of House bill 12467, known as the Military Academy appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12467) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, at the top of page 2, to strike out the subhead "Permanent establishment" and insert the heading "Permanent establishment."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "sword," to strike out "\$3,000" and insert "\$3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency," so as to make the clause read:

For pay of master of sword, \$3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 2, line 5, before the word "sword," I move to insert the article "the," so as to read "For pay of master of the sword," which is the correct title.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 9, before the word "pay," to strike out "Provided, That the" and insert "The," and in line 13, after the word "Army," to insert "Provided, That the sum of \$250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him," so as to make the clause read:

The pay of cadets for the fiscal year ending June 30, 1921, shall be fixed at \$780 per annum and one ration per day or commutation thereof at the rate of \$1.08 per ration, to be paid from the appropriation for the subsistence of the Army: *Provided*, That the sum of \$250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert as a subhead the following:

Officers on detached service at the academy.

The amendment was agreed to.

Mr. WADSWORTH. I ask unanimous consent that the vote by which the amendment commencing in line 13 was agreed to be reconsidered in order that I may make a small correction.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. WADSWORTH. In line 17 I move that the word "such," before the word "initial," be eliminated.

Mr. POMERENE. Mr. President, before the question is put to a vote, may I ask is the \$250 provided for in the amendment of the committee in addition to the allowances which have heretofore been made to the cadets?

Mr. FRELINGHUYSEN. In reply to the question of the Senator from Ohio, I wish to state that at the present time the pay of a cadet is \$780 a year. On his entrance to the academy he is compelled to purchase articles which he needs during his term amounting to \$416, and he is compelled to advance in cash \$160 to the academy. At the present estimated prices these articles cost \$416. The pay of \$780 is absolutely absorbed during the year, and at the end of the four years the cadet goes out of the academy \$250 in debt for necessary articles purchased during his term, including initial equipment.

Mr. POMERENE. I did not ask the question because I was objecting to the amendment. The subject has been called to my attention heretofore, and I was interested in knowing that the committee have provided additional pay or compensation. I wanted that made perfectly clear. I think the committee is to be commended for making this recommendation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 21, after the words "Military Academy," to insert "as follows," so as to make the clause read:

For extra pay of officers of the Army on detached service at the Military Academy, as follows:

The amendment was agreed to.

The next amendment was, on page 2, line 22, to strike out:

For pay of one commandant of cadets (colonel) in addition to his regular pay, \$1,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For pay of one commandant of cadets, in addition to his regular Army pay, \$1,000, or so much thereof as may be necessary to enable him to receive the pay and allowances of a lieutenant colonel.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "gunnery," to strike out "(lieutenant colonel)"; in line 6, after the words "in addition," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of ordnance and science of gunnery in addition to his regular pay, \$500.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "of law," to strike out "(lieutenant colonel)"; in line 9, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of law in addition to his regular pay, \$500.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "engineering," to strike out "(lieutenant colonel)"; in line 11, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of practical military engineering in addition to his regular pay, \$500.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to insert:

For pay of three battalion commanders in addition to pay as captain, \$1,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to strike out:

For pay of the Military Academy band, field musicians, service, Cavalry, Artillery, and Engineer detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I may say, in explanation of a large number of these amendments, that they are purely corrections of form in printing the bill. There are no further amendments of importance for some time, and the Secretary will rapidly recognize that these are merely corrections in the method of printing the captions.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 4, after line 19, to insert as a subhead the following:

"Military Academy band."

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the word "Military," to insert "the," and in the same line, after the word "band," to insert "as follows," so as to make the clause read:

For pay of the Military Academy band, as follows:

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert as a subhead the following:

Field musicians.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "musicians," to insert "as follows," so as to make the clause read:

For pay of field musicians, as follows.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

For pay of Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert as a subhead the following:

Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

For pay of Service detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "detachment," to strike out "service" and insert "Service," so as to make the clause read:

Extra pay of the enlisted men in the Service detachment, on extra duty at West Point, \$37.536.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert as a subhead the following:

Cavalry detachment.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Cavalry detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 7, line 1, to insert as a subhead the following:

Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Artillery detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, line 1, to insert as a subhead the following:

Engineer detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Engineer detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert as a subhead the following:

Signal Corps detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the words "Signal Corps," to insert "as follows," so as to make the clause read:

For pay of detachment of Signal Corps, as follows:

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert as a subhead the following:

Coast Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 9, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Coast Artillery detachment, as follows:

The amendment was agreed to.

The next amendment was, on page 10, line 1, to insert as a subhead the following:

Extra pay for enlisted men.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to strike out "Extra pay of enlisted men" and insert "For extra pay of enlisted men, as follows," so as to make the clause read:

For extra pay of enlisted men, as follows:

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

For pay of one regimental sergeant major, Infantry, \$660.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike out:

Provided, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

For pay of one regimental sergeant major, Infantry, \$660: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

Pay of civilians:

The amendment was agreed to.

The next amendment was, on page 13, line 1, to insert as a subhead the following:

Pay of civilians.

The amendment was agreed to.

The next amendment was, on page 13, after line 1, to insert:

For pay of civilians, as follows:

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to strike out:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, \$4,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to strike out:

Provided, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, \$4,000: *Provided*, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 17, line 23, after the words "Military Academy," to strike out "under the act of Congress" and insert "authorized by the Military Academy appropriation act for 1914"; and on page 18, line 1, after "1913," to insert "(Thirty-seventh Statutes at Large, page 860)," so as to make the clause read:

For pay of one stenographer, typewriter, and clerk in the medical department and department of military hygiene, to be appointed by the Superintendent of the United States Military Academy authorized by the Military Academy appropriation act for 1914, approved March 4, 1913 (Thirty-seventh Statutes at Large, page 860), \$840.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "accounted for by," to strike out "officers of the Quartermaster Corps" and insert "the disbursing officer of the United States Military Academy," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by the disbursing officer of the United States Military Academy as pay of the Military Academy, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, under the subhead "current and ordinary expenses," on page 18, line 16, before the word "superintendent," to strike out "Contingencies for" and insert "For contingencies for the," so as to make the clause read:

For contingencies for the superintendent of the academy, \$3,000.

The amendment was agreed to.

The next amendment was, on page 18, line 18, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements, namely: Timber, plank, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, screws, nails, locks, hinges, glass, paints, turpentine, oils, etc., \$55,000.

The amendment was agreed to.

The next amendment was, on page 18, line 23, after "\$70,000," to insert "of which \$5,000 shall be immediately available," so as to make the clause read:

For fuel and apparatus, namely: Coal, wood, etc., \$70,000, of which \$5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

Provided, That \$5,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the words "and binding," to strike out "Printing" and insert "For printing," so as to make the clause read:

For printing and binding, etc., \$3,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, before the word "maintenance," to insert "the," so as to make the clause read:

For the maintenance of one automobile, \$300.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of carbons and for repairs and maintenance of searchlight, etc., \$250.

The amendment was agreed to.

The next amendment was, on page 20, line 1, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of stationery and office supplies for the office of senior instructor of Coast Artillery tactics, \$75.

The amendment was agreed to.

The next amendment was, on page 20, line 16, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of tools, machines, etc., Artillery gun shed, \$2,500.

The amendment was agreed to.

The next amendment was, on page 21, line 21, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of machines, tools, etc., for practical instruction of cadets in wood and metal working, \$500.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to strike out:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to insert as a subhead the following:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after "\$8,000," to insert "of which \$1,000 shall be immediately available," so as to make the clause read:

For water pipe, plumbing, and repairs, \$8,000, of which \$1,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 15, to strike out:

Provided, That \$1,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, \$500.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to strike out:

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, \$500: *Provided*, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the words "of instruments," to strike out "Purchase" and insert "For the purchase"; and, in the same line, before the word "band," to insert "the," so as to make the clause read:

For the purchase of instruments for the band and repairs to same, \$1,500.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word "machinery," to insert "the purchase of," so as to make the clause read:

For the purchase of machinery and equipment for new dry cleaning, sterilizing, and disinfecting plant, and for the installation of same, to be expended without advertising, \$12,000.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements to the laundry machinery, etc., which may be expended without advertising, and to be immediately available, \$35,000.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "and purchase," to strike out "Repair" and insert "For the repair," so as to make the clause read:

For the repair and purchase of cooking utensils, chairs, etc., cadet mess, to be expended without advertising, to be immediately available, \$3,000.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase and repair of fire-extinguishing apparatus, \$1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 26, line 1, before the word "cadet," to insert "the," and in the same line, after the word "building," to insert "to be immediately available," so as to make the clause read:

For repairs to the cadet mess building, to be immediately available, \$4,265.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

Provided, That the appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, line 15, before the word "repair," to insert "the," so as to make the clause read:

For the repair and upkeep of quarters of the sergeant, first class, Hospital Corps, at the cadet hospital, \$50.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to strike out:

Repairs to cadet barracks, \$15,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 19, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to insert:

For repairs to the cadet barracks, to be immediately available, \$15,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "advertising," to insert "to be immediately available," so as to make the clause read:

For repairs of boilers, engines, dynamos, motors, etc., cadet mess, to be expended without advertising, to be immediately available, \$6,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 6, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 28, line 1, after the words "officers' quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 4, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of eight sets married officers' quarters authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, \$20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 9, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of 20 sets of bachelor officers' quarters, authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, \$20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, before the word "old," to insert "the"; in line 13, before the word "new," to insert "the," and in line 14, after the word "expenses," to insert "to be immediately available," so as to make the clause read:

For remodeling the old cadet hospital, extension steam tunnels, water, sewer, and electric systems, excavation, grading, roads, quarrying stone for the new cadet hospital, and miscellaneous expenses, to be immediately available, \$75,000.

The amendment was agreed to.

The next amendment was, on page 28, line 16, before the words "The Secretary," to insert "(a)," so as to make the clause read:

(a) The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of temporary buildings; also, surplus tools and matériel for use in the instruction of cadets at the academy.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the word "amount," to strike out "*Provided*, That the" and insert "(b) The," and in line 26, after the words "appropriated in," to strike out "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1920, and for other purposes," and insert "the Military Academy appropriation act for 1920," so as to make the clause read:

The amount, \$10,000, for enlarging elevator shaft and installing elevator from basement to second floor (cadet hospital); appropriated in the Military Academy appropriation act for 1920, approved March 4, 1919, shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the words "the purpose," to strike out "*Provided*, That for" and insert

"(c) For"; and, in line 11, before the word "purpose," to strike out "the" and insert "that," so as to make the clause read:

(c) For the purpose of accounting only, all funds hereinbefore appropriated under the titles "Current and ordinary expenses," "Miscellaneous items and incidental expenses," and "Buildings and grounds," shall be disbursed and accounted for by the disbursing officer, United States Military Academy, as "Maintenance, United States Military Academy," and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 29, line 13, before the word "course," to strike out "Provided, That the" and insert "(d) The"; in line 14, after the word "Provided," to strike out "further"; in line 17, before the word "during," to strike out "class" and insert "cadet"; in line 19, after the word "such," to strike out "class" and insert "cadet"; and, in the same line, after the word "academy," to insert "Provided further, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920 who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year," so as to make the clause read:

(d) The course at the United States Military Academy shall be four years: *Provided*, That any person heretofore nominated in accordance with regulations for appointment to fill a vacancy which would have resulted from the graduation of a cadet during the present year, may be so appointed notwithstanding the retention of such cadet at the academy: *Provided further*, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920, who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 29, line 13, after the word "course," I move to insert the words "of instruction."

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. After the word "course," in the House text, on page 29, line 13, it is proposed to insert the words "of instruction," so that, if amended, it will read:

The course of instruction at the United States Military Academy, etc.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 29, line 25, before "1318," to strike out "*Provided further*, That section" and insert "(e) Section," so as to make the clause read:

(e) Section 1318, Revised Statutes, be, and the same is hereby, amended to read as follows: "Appointees shall be admitted to the academy only between the ages of 17 and 22 years, except in the following case: That during the calendar years 1919, 1920, and 1921 any appointee who has served honorably and faithfully not less than one year in the armed forces of the United States or allied armies in the late war with Germany, and who possesses the other qualifications required by law, may be admitted between the ages of 17 and 24 years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to insert:

(f) The Secretary of War is hereby authorized to allow any corporation, company, or individual to erect on the United States Military Academy reservation at West Point, N. Y., a hotel, in accordance with plans and specifications to be approved by the Superintendent of the United States Military Academy, and to enjoy the revenue therefrom for a period of 50 years; after which time said hotel shall become the property of the United States: *Provided*, That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time. That said hotel shall be conducted under such regulations as may be promulgated by the Superintendent of the United States Military Academy under the direction of the Secretary of War.

Mr. FRELINGHUYSEN. At the end of line 17 I move to insert a hyphen. It is merely a question of punctuation.

The amendment to the amendment was agreed to.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Senator in charge of the bill with respect to this amendment. I can understand the amendment thoroughly down to a certain point. It is an amendment which authorizes the Secretary of War to allow any corporation, company, or individual to build a hotel at West Point, and, after enjoying the revenue from it for 50 years, to turn it over to the United States; but I do not understand the proviso. The proviso says:

That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time.

I do not know whether that means that the Secretary can buy it at any time, or that he can accept it as a gift at any time, or what it does mean.

Mr. FRELINGHUYSEN. The Senator from Wisconsin [Mr. LENROOT] conducted the hearing when this matter was under consideration. Perhaps he can answer the question.

Mr. LENROOT. Mr. President, in reply to the Senator from Pennsylvania, I will say that this is a provision of existing law. That proviso is in the law now.

Mr. KNOX. Can the Senator tell me what it means?

Mr. LENROOT. I do not know that I can, except that if the owner of the hotel should be so foolish as to convey it to the United States Government without cost, the Secretary of War is authorized to accept it.

Mr. KNOX. That, of course, would not be an objection to it; but I can not imagine anybody being so foolish as to give away a hotel.

Mr. LENROOT. I can not, either; but the objection to the existing law was that under existing law the Secretary of War is given the right to control the rates and charges of the hotel, and it was represented to the committee that because of that provision they could get no offers whatever for the construction of a hotel; so in this amendment the committee merely eliminates from existing law the right to regulate the charges of the hotel.

Mr. KNOX. And the committee left the provision of the existing law that the Secretary could graciously accept the donation of a hotel at any time?

Mr. LENROOT. Yes.

The amendment as amended was agreed to.

The next amendment was, on page 30, after line 25, to insert:

(g) The Secretary of War be, and he hereby is, in his discretion, authorized to select and permit one Panaman student, without expense to the United States, to receive instruction at the United States Military Academy at West Point, and such student, while undergoing instruction as herein authorized, shall be accorded the same privileges as are authorized by law for cadets at the Military Academy appointed from the United States.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

(h) Hereafter, whenever all vacancies at the Military Academy shall not have been filled as the result of the regular annual entrance examination, the remaining vacancies shall be filled by admission from the whole list of alternates selected in their order of merit established at such entrance examinations: *Provided*, That in filling vacancies to the credit of a State the list of alternates nominated from that State shall first be exhausted before selections are made from any other State to fill such vacancies. The admissions thus made, except as herein otherwise provided, shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law; and whenever by the operation of this or any other law the Corps of Cadets exceeds the authorized maximum strength as provided by law, the admission of alternates as prescribed in this act shall cease until such time as said corps may be reduced to its authorized strength.

Mr. WADSWORTH. As a perfecting amendment to the committee amendment, I move to strike out of line 22 the word "to" before "its" and to insert the word "below," so that it will read "until such time as said corps may be reduced below its authorized strength."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRANDEGEE. If there are no further committee amendments, I offer the amendment which I send to the desk. After it is read I desire to make a brief statement with reference to it.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Connecticut.

The ASSISTANT SECRETARY. Add at the end of the bill the following:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States thereafter, and any payment made to him covering a period subsequent to the date of his commission as a retired officer shall be deducted from the amount due him on the first payment under this act: *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of Cavalry, shall accrue as a result of the passage of this act.

Mr. BRANDEGEE. Mr. President, a bill for this purpose has been passed several times by the Senate at different sessions, and it was passed September 22, 1919, according to the indorsement of the Secretary of the Senate on the bill which the Secretary has just read as an amendment. I should like to have it placed as an amendment upon this bill, so that it may stand a better chance of receiving consideration in the House, where, as we know, the legislative machinery is so blocked that it is very difficult to get a bill up from the calendar.

The record of this gentleman, who is now 77 years old, and who was a Union soldier at the age of 19, is most distinguished and is to be found in the CONGRESSIONAL RECORD of April 24, 1916, printed upon pages 6709 and following of the RECORD. I ask that it and the report of the then chairman of the Committee on Mil-

tary Affairs [Mr. CHAMBERLAIN] upon a similar bill, being Report No. 281 of the Sixty-fifth Congress, second session; also the report of the Senator from Florida [Mr. FLETCHER] upon Senate bill 861, being Report No. 150 of the Sixty-sixth Congress, first session; the report of former Senator Catron, being Report No. 308, Sixty-fourth Congress, first session; and also the findings of fact and conclusion of the Court of Claims in the case may be printed in the Record as explanatory of the provisions of the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

"Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 6608, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

"Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

"Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven Conn., as a corporal.

"The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so

serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

"On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

"On February 10, 1863, Whitaker received a leave of absence and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

"On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

"It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

"The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

"In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991-996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did

their duty in this engagement, as they have in all others, like brave and gallant gentlemen."

"On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

"[General Order No. 7.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"Hartwood Church, Va., August 16, 1863.

"The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and respected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

"By command of Brig. Gen. J. Kilpatrick.

"L. G. ESTES, A. A. G.

"On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

"In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part I, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328-329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

"On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

"[General Orders, No. 24.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"October 29, 1863.

"* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

"By command of Brig. Gen. Kilpatrick.

"L. G. ESTES, A. A. Genl.

"In a report of Brig. Gen. H. E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnaissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment."

"The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army as follows:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"Stevensburg, Va., December 1, 1863.

"ADJUTANT GENERAL UNITED STATES ARMY.

"GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7, these headquarters, August 16, 1863, and am at present performing the duties of the office in the field. I am, General,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

"First Lieutenant, Second New York Volunteer Cavalry,
"Aid-de-Camp."

"On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"Stevensburg, Va., December 27, 1863.

"Capt. E. B. PARSONS,

"Assistant Adjutant General.

"CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

"First Lieutenant Company C,

"Second New York Cavalry, Aid-de-Camp.

"The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

"On February 23, 1864, an order was issued as follows:

"[Special Orders, No. 12.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"February 23, 1864.

"1. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

"By command of Brig. Gen. Kilpatrick:

"L. G. ESTES,

"Captain and A. A. G.

"From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, 'By command of Brig. Gen. Kilpatrick.'

"In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division, Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190-194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *

"In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

"HEADQUARTERS CAVALRY EXPEDITION,
"March 11, 1864.

"BRIG. GEN. WISTAR,

"Commanding Expedition.

"GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Fraziers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

"Very respectfully,

"J. KILPATRICK, Brigadier General.

"Whitaker reported under date of April 10, 1864, as follows:

"BEALETON, April 10, 1864.

"Brig. Gen. KILPATRICK,

"Commanding Third Division Cavalry:

"Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

"E. W. WHITAKER,
"Lieutenant, Aid-de-Camp."

"Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

"On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

"GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
"ADJUTANT GENERAL'S OFFICE,
"Hartford, April 25, 1864.

"Brig. Gen. L. THOMAS,
"Adjutant General, Washington, D. C.

"GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commission as captain in the First Connecticut Cavalry.

"Very respectfully, your obedient servant,
"H. J. MORSE, Adjutant General.

"Thereupon an order was issued as follows:

"[Special Orders, No. 162.]
"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"Washington, April 29, 1864.
"[Extract.]

"3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

"By order of the Secretary of War.

"W. A. NICHOLS,
"Assistant Adjutant General.

"Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"May 1, 1864.

"Lieut. Col. C. KINGSBURY, Jr.,
"Assistant Adjutant General.

"COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

"I am, Colonel, very respectfully, your obedient servant,
"E. W. WHITAKER,
"First Lieutenant Company C, Second New York Cavalry.

"The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

"[Special Orders, No. 123.]
"HEADQUARTERS CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"May 2, 1864.
"[Extract.]

"7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

"By command of Maj. Gen. Sheridan.

"C. KINGSBURY, Jr.,
"Assistant Adjutant General.

"After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

"[Special Orders, No. 198.]
"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"Washington, August 19, 1868.
"[Extract.]

"9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read 'First Lieut. E. W. Whitaker.'

"10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut.

E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

"By command of Gen. Grant.

"E. D. TOWNSEND,
"Assistant Adjutant General.

"In the meantime the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 29, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"* * * The above-named commissioned and noncommissioned officers are all well deserving their promotions, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed."

"Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

"It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

"The said Whitaker was duly appointed by the governor of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"OFFICE AID-DE-CAMP OF MUSTERS,
"May 2, 1864.

"I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.

"JACOB BRISTOL,
"First Lieutenant, Fifth Michigan Cavalry,
"Aid-de-Camp of Musters, Third Division Cavalry Corps,
"Army of the Potomac.

"Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, 'Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance.'

"In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625-630, Series I, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

" * * * The First Brigade was held on the road to Hungartown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

" * * * The advance reached Wyllesburg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greenville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of Infantry at Stony Creek Depot, on the Weldon Road, and two small detachments of Cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave no information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes 2 miles to the westward of Stony Creek Depot, induced me to take that route, and, accordingly, the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the Infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army headquarters about 10 a. m. On his way he gallantly rode through the enemy's Cavalry and Infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers, * * * did their duty with great intelligence and unceasing industry."

"With regard to military operations on June 24-29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620-625, same volume), referred to Whitaker as follows:

" * * * Just before daylight on the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungartown struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House. The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

"At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at once, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *"

"Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

"HEADQUARTERS ARMY OF THE POTOMAC,
"June 29, 1864—10.40 a. m.

"Maj. Gen. MEADE,

"Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

"Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson

succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

"A. A. HUMPHREYS,
"Major General and Chief of Staff.

"HEADQUARTERS ARMY OF THE POTOMAC,
"June 29, 1864—(Sent 11.30 a. m.).

"Maj. Gen. MEADE,

"Commanding Army of the Potomac,

"at Gen. Burnside's Headquarters:

"I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams Station he forced his way through it, losing half his escort, 40 in number.

"A. A. HUMPHREYS,
"Major General and Chief of Staff.

"(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. 40, pt. 2, p. 493.)"

"HEADQUARTERS ARMY OF THE POTOMAC,
"June 29, 1864—1.40 p. m.

"Maj. Gen. WRIGHT,

"Commanding Sixth Corps:

"Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the Cavalry that followed Willson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command, another was concentrated at the crossing of Stony Creek (10 miles north of Ream's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

"A. A. HUMPHREYS,
"Major General and Chief of Staff.

"(Report printed, p. 507, same volume.)"

"CITY POINT, July 1, 1864—2 p. m.
"(Received 8.20 a. m.—2d.)

"I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Willson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams Station, or near there. After he crossed the Sappony, on what is called the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aids, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's, but succor could not be got up in season. * * *

"C. A. DANA.

"Hon. E. M. STANTON, Washington.

"(Report printed, Part I, same volume, p. 29.)"

"HEADQUARTERS SIXTH ARMY CORPS,
"June 30, 1864—11.30 a. m.

"Maj. Gen. HUMPHREYS:

"Capt. Whitaker, who is out with the cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W. can find no guns, but has discovered three or four limbers, which I have sent for. * * *

"H. G. WRIGHT,
"Major General, Commanding.

"(Report printed, Part II, same volume, p. 526.)"

"HEADQUARTERS CAVALRY DIVISION,
"Camp near Jones Neck, Va., July 4, 1864.

"CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen. Wilson's staff,

volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines.

"Very respectfully, your obedient servant,

"AUGUST V. KAUTZ,

"Brigadier General of Volunteers, Chief of Cavalry.

"Capt. L. SIEBERT,

"Assistant Adjutant General, Third Division,

"Cavalry Corps.

"(Report printed, Part I, same volume, pp. 730-733.)

"Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

"REAMS' PUMP, PETERSBURG & WELDON RAILROAD,

"June 29, 1864—8.25 p. m.

"[Gen. A. A. HUMPHREYS,

"Chief of Staff.]

"GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. Wilson. Gen. Wright has a few cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

"I beg pardon for this irregularity, and am,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

Captain and Aide-de-Camp.

"(Printed, Part II, same volume, pp. 508-509.)

"REAMS STATION, June 30, 1864—12.30 p. m.

"Maj. Gen. HUMPHREYS,

"Chief of Staff, Army of the Potomac.

"GENERAL: In a reconnoissance toward Dinwiddie Courthouse I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, 'guarded by North Carolina Infantry, eight men to a wagon, with front and rear guard.' The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

"Very respectfully,

"Your most humble and obedient servant,

"E. W. WHITAKER,

"Captain and Acting Aid-de-Camp.

"(Printed, same volume, p. 526.)

"On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to The Adjutant General of the Army, a pertinent extract of which is as follows:

"HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,

"July 4, 1864.

"Brig. Gen. L. THOMAS,

"Adjutant General, United States Army,

"Washington, D. C.

"GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * *

"I have the honor to be, General,

"Very respectfully, your obedient servant,

"J. H. WILSON,

"Brigadier General Commanding Division.

"On July 9, 1864, an order was issued as follows:

"[Special Orders, No. 53.]

"HEADQUARTERS ARMIES OF THE UNITED STATES,

"City Point, Va., July 9, 1864.

"1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C.,

and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * *

"By command of Lieut. Gen. Grant.

"E. S. PARKER,

"Assistant Adjutant General.

"On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

"FROM GRANT'S HEADQUARTERS, July 9, 1864.

"Col. J. A. HARDIE:

"Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

"C. A. DANA.

"It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"Twenty-second Army Corps, July 11, 1864.

* * * * *

"Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * *

"To the above sir:

"The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

"Very respectfully, your most obedient servant,

"C. H. RAYMOND,

"Assistant Adjutant General.

"Copies of communications relating to duties performed by Whitaker on July 13-16, 1864, are as follows:

"HEADQUARTERS CAVALRY DIVISION,

"DEPARTMENT OF WASHINGTON,

"Camp Stoneman, July 13, 1864.

"Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

"In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

"This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

"W. GAMBLE,

"Colonel, Commanding Cavalry Division.

"HEADQUARTERS CAVALRY DIVISION,

"DEPARTMENT OF WASHINGTON, D. C.,

"Camp Stoneman, July 14, 1864.

"Lieut. Col. B. B. G. STONE,

"Acting Aid-de-Camp and Chief of Staff,

"COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here, and I will supply him forage and rations.

"I remain, very respectfully,

"W. GAMBLE,

"Colonel, Commanding Cavalry Division.

"HEADQUARTERS CAVALRY DIVISION,

"Camp Stoneman, 11 a. m.—July 14, 1864.

"Respectfully forwarded.

"I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from was in front of Forts Mahon and Meigs.

"W. GAMBLE,

"Colonel, Commanding Cavalry Division.

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON, D. C.,
"Camp Stoneman, July 15, 1864.

"Lieut. Col. J. H. TAYLOR,
"Chief of Staff, Assistant Adjutant General.

"COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

"The above are all the mounted men in this camp able to do mounted duty, except orderlies.

"Very respectfully, your obedient servant,

"W. GAMBLE,
"Colonel, Commanding Cavalry Division.

"On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

"HEADQUARTERS CAVALRY DIVISION,
"DEFENSES OF WASHINGTON, D. C.,
"Camp Stoneman, July 16, 1864.

"Hon. CHARLES H. DANA,
"Assistant Secretary of War:

"Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

"I am, with great respect,

"Your most humble and obedient servant,

"E. W. WHITAKER,
"Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,
"Third Division, Cavalry Corps, Army of the Potomac.

"The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

"WAR DEPARTMENT, July 16, 1864.

"Respectfully referred to The Adjutant General.

"The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

"By order.

"JAS. A. HARDIE,
"Colonel, Inspector General.

"On July 18, 1864, an order was issued in the case of this officer as follows:

"[Special Orders, No. 175.]

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON,
"Camp Stoneman, D. C., July 18, 1864.

"3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

"Capt. E. W. Whitaker, First Connecticut Cavalry.
"The Quartermaster Department will furnish the necessary transportation.

"By order of Col. William Gamble.

"L. L. RAMEY,
"Captain and Acting Assistant Adjutant General.

"But on July 19, 1864, an order was issued from the War Department, as follows:

"[Special Orders, No. 242.]

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"Washington, July 19, 1864.
"[Extract.]

"13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

"By order of the Secretary of War.

"E. D. TOWNSEND,
"Assistant Adjutant General.

"A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

"WAR DEPARTMENT,
"Washington City, July 19, 1864.

"Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

"About the same time permission was granted as follows:

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"Washington, D. C., —, 186—.

"Sir: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

"The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

"Very respectfully, your obedient servant,

"C. W. FOSTER,
"Assistant Adjutant General.

"To Capt. EDWARD W. WHITAKER,
"First Connecticut Cavalry.

"Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

"BOARD OF EXAMINERS,
"No. 212 F Street, Washington, July 20, 1864.

"I recommend that Capt. E. W. Whitaker, Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.

"SILAS CASEY,
"Major General, President Board.

"The recommendation was approved by order of the Secretary of War and an order issued on July 20, 1864, as follows:

"[Special Orders, No. 243.]

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"Washington, July 20, 1864.

"[Extract.]

"56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

"By order of the Secretary of War.

"E. D. TOWNSEND,
"Assistant Adjutant General.

"The next record found relating to the officer is an order of which the following is a copy:

"[General Orders, No. 36.]

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"July 21, 1864.

"1. The following-named officers are announced as composing the staff of the brigadier general commanding:

"Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

"They will be obeyed and respected accordingly.

"By command of Brig. Gen. Wilson.

"L. SIEBERT,
"Assistant Adjutant General.

"In a report dated February 18, 1865, and printed on pages 516-520, Volume XLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

"In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *.

"From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

"On August 20, 1864, an order was issued as follows:

"[Special Orders, No. 78.]

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"August 20, 1864.

"II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

"By command of Brig. Gen. Wilson.

"L. SIEBERT,
"Acting Adjutant General.

"On August 21, 1864, another order was issued, as follows:

"[Special Orders, No. 11.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"Charlestown, Va., August 21, 1864.

"2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

"By command of Maj. Gen. Sheridan.

"E. B. PARSONS,
"Assistant Adjutant General.

"Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments."

"With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"August 27, 1864.

"Brig. Gen. McINTOSH,
"Commanding First Brigade.

"GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"WASHINGTON, August 24, 1864.

"Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left."

"The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge to examine papers of commissioned officer, and to order back all those without authority.

"I am, General, very respectfully, your obedient servant.

"L. SIEBERT,
"Assistant Adjutant General.

"A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as 'absent on duty at Camp Stoneman.'

"On October 1, 1864, an order was issued as follows:

"[Special Orders, No. 45.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"Harrisonburg, Va., October 1, 1864.

"1. The following-named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

"Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

"By command of Maj. Gen. Sheridan.
"C. KINGSBURY, JR.,
"Assistant Adjutant General.

"In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

"In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

"[Special Orders, No. 7.]

"HEADQUARTERS CAVALRY CORPS,
"MILITARY DIVISION OF THE MISSISSIPPI,
"Nashville, Tenn., November 6, 1864.

"[Extract.]

"X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major, is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

"The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

"By command of Bvt. Maj. Gen. Wilson.

"E. B. BEAUMONT,
"Captain and Acting Assistant Adjutant General.

"On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"November 7, 1864.

"Capt. L. SIEBERT,
"Assistant Adjutant General.

"CAPTAIN: I have the honor to make application for muster out as captain Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division, dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

"E. W. WHITAKER,
"Captain Company E, First Connecticut
"Volunteer Cavalry,
"Acting Assistant Division Commander.

"An indorsement appears upon the foregoing communication, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"Nashville, November 7, 1864.

"The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

"J. H. WILSON,
"Brevet Major General.

"On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

"WAR DEPARTMENT,
"Washington, D. C., November 17, 1864—2.30 p. m.

"HON. CHARLES A. DANA,
"Assistant Secretary of War.

"DEAR SIR: I am en route to rejoin and assume command of my regiment in 'Valley.' Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

"Hoping you will pardon me for this intrusion on your valuable time,

"I shall ever remain your most humble and obedient servant,

"E. W. WHITAKER,
Major, First Connecticut Cavalry.

"An indorsement appears upon the foregoing communication, as follows:

"Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"By order of the Secretary of War.

"C. A. DANA,
Assistant Secretary of War.

"WAR DEPARTMENT, November 18, 1864."

"Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535-6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

"CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

"On the 13th the regiment went with the division on a reconnaissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Morehouse was ordered to make a reconnaissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

"Very truly, your obedient servant,
BRAYTON IVES,

Lieutenant Colonel, Commanding Regiment.

"On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
PLEASANT VALLEY, MD.,
November 25, 1864.

"Hon. C. A. DANA,
Assistant Secretary:

"Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

"E. W. WHITAKER,
Major Commanding Regiment.

"A letter was addressed to Whitaker on November 26, 1864, as follows:

"WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, D. C., November 26, 1864.

"Capt. E. W. WHITAKER,
First Connecticut Cavalry.

"Sir: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

"First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

"Second. You will furnish him with a copy of Special Orders, No. 45, headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

"Third. This muster must not in any way conflict with the provisions of General Orders, No. 182, series of 1863, from this office.

"If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

"I am, very respectfully, your obedient servant,
THOMAS M. VINCENT,
Assistant Adjutant General.

"In connection with the foregoing Whitaker wrote a letter on December 3, 1864, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
December 3, 1864.

"Capt. BARNHARD,
Assistant Commissary of Musters.

"CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from headquarters Mid. Mil. Div.

"Having completed the duties assigned me in Washington, I was en route to rejoin my command in the 'Valley,' October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

"I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front, which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

"I am, Captain, very respectfully, your obedient servant,
E. W. WHITAKER,
Captain, First Connecticut Cavalry.

"The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kershaw, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1864, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

"On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

"[General Orders, No. 43—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
December 8, 1864.

"1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court.

* * * * *
Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * *
By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,
Assistant Adjutant General.

"It appears that Whitaker continued on court-martial duty until relieved in an order, as follows:

"[General Orders, No. 6—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
January 17, 1865.

"1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester, Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * *

"By command of Col. A. C. M. Pennington, commanding division.

"L. SIEBERT,
Assistant Adjutant General.

"In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment, to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment at Winchester, Va.

"Copies of communications dated January 27, 1865, relating to this officer are as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"January 27, 1865.

"Col. A. M. RANDOL,
"Commanding First Brigade.

"COLONEL: In compliance with orders from the acting chief of Cavalry you will detail from each of your regiments 50 good men, with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage, to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

"By command of Col. Pennington, commanding division.

"L. SIEBERT,
"Assistant Adjutant General.

"HEADQUARTERS THIRD CAVALRY DIVISION,
"January 27, 1865.

"Col. A. M. RANDOL,
"Commanding First Brigade.

"COLONEL: Pursuant to instructions from the acting chief of Cavalry you will detail a major from your brigade to take command of the 200 men to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division, and will please send his name up to these headquarters.

"By command of Col. Pennington, commanding division.

"L. SIEBERT,
"Assistant Adjutant General.

"He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"February 3, 1865.

"COLONEL: In accordance with orders from the chief of Cavalry you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

"The horses selected will be well shod and in a good condition to travel.

"The men will take three days' rations and the usual amount of forage and will be armed with pistols and sabers only.

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of Cavalry for instructions.

"The place of rendezvous and the hour of march will be designated hereafter.

"By command of Col. W. Wells, commanding division.

"L. SIEBERT,
"Assistant Adjutant General.

"Col. A. M. RANDOL,
"Commanding First Brigade.

"HEADQUARTERS FIRST BRIGADE,
"THIRD CAVALRY DIVISION,
"February 3, 1865.

"COMMANDING OFFICER,
"First Connecticut Cavalry:

"The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

"You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

"Surg. G. A. Hurlbut will accompany the expedition.

"By command of Col. A. M. Randol, commanding brigade.

"JOHN J. PIKE,
"Lieutenant and Acting Assistant
"Adjutant General.

"HEADQUARTERS THIRD CAVALRY DIVISION,
"February 3, 1865.

"Col. JOHN J. COPPINGER,
"Commanding Second Brigade.

"COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow

morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

"Very respectfully, etc.,

"L. SIEBERT,
"Assistant Adjutant General.

"In his report of the Shenandoah Valley campaign, dated February 3, 1866, and printed on pages 40-57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

"On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc."

"Again, Whitaker was mentioned in connection with the same incident, as follows:

"WINCHESTER, VA., February 6, 1865.

"(Received 1.50 p. m.)

"Maj. Gen. H. W. HALLECK,

"Chief of Staff:

"A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

"P. H. SHERIDAN,

"Major General, Commanding.

"Whitaker made a report of the affair as follows:

"CAMP OF FIRST CONNECTICUT CAVALRY,
"NEAR WINCHESTER, VA.,
"February 8, 1865.

"MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night, when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States, I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light, during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

"On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, 'What soldiers were in the houses?'

she at once replied, 'Maj. Gilmor is upstairs.' Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 38 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

"I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful 'bearding of the lion in his den.'

"To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

"Respectfully submitted.

"E. W. WHITAKER,

"Lieutenant Colonel First Connecticut Cavalry,

"Commanding Expedition.

"Maj. WILLIAM RUSSELL, Jr.,

"Assistant Adjutant General.

"Whitaker was recommended for special duty in a letter, as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"February 11, 1865.

"Maj. WILLIAM RUSSELL, Jr.,

"Assistant Adjutant General, Cavalry M. M. Division.

"MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

"Very respectfully, etc.

"G. A. CUSTER,

"Brevet Major General Commanding.

"On the same day an order was issued as follows:

"[Orders.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"February 11, 1865.

"Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

"By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,

"Assistant Adjutant General.

"The officer was detailed for special duty in an order as follows:

"[Special Orders, No. 145.]

"HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
"February 12, 1865.

"1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third

Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

"By command of Bvt. Maj. Gen. Merritt.

"WM. RUSSELL, Jr.,

"Assistant Adjutant General.

"On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

"In a communication dated February 21, 1865, Whitaker was mentioned as follows.

"HEADQUARTERS THIRD DIVISION CAVALRY,

"February 21, 1865.

"Col. PENNINGTON,

"Commanding First Brigade:

"Gen. Crook, Gen. Kelley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage, I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

"Very respectfully, etc.,

"G. A. CUSTER,

"Brevet Major General, Commanding.

"The result of the attempt to recapture the general officers is set forth in a report as follows:

"HEADQUARTERS THIRD DIVISION CAVALRY,

"MIDDLE MILITARY DIVISION,

"February 23, 1865.

"CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester Pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided to not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek Road.

"The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

"My loss was none, except in horses, a few. Four of enemy taken prisoners en route.

"I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in

efforts to accomplish the object of the expedition, which I much regret to report a failure.

"I am, Captain, very respectfully, your obedient servant,

"E. W. WHITAKER,

"Lieutenant Colonel First Connecticut Cavalry,

"Acting Assistant Inspector General Third Division Cavalry.

"Capt. L. SIEBERT,

"Assistant Adjutant General.

"A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

"In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication as the one referred to hereinbefore, Whitaker was referred to as follows:

"March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricades and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men, under Col. Thompson, First New Hampshire Cavalry.

"Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"MIDDLE MILITARY DIVISION,

"White House, Va., March 20, 1865.

"I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition, I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismounted under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition are mentioned in this report.

"I am, very respectfully, yours, etc.,

"G. A. CUSTER,

"Brevet Major General.

"Capt. E. M. BAKER,

"Acting Assistant Adjutant General,

"Cavalry, Middle Military Division.

"In a report dated March 19, 1865, and printed on pages 504-508, same volume, the officer is referred to as follows:

"HEADQUARTERS FIRST BRIGADE,

"THIRD DIVISION, CAVALRY CORPS.

"Near White House Landing, Va., March 19, 1865.

"CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force and that they had both infantry and cavalry. * * *

"I am, sir, very respectfully, your obedient servant.

"A. C. M. PENNINGTON,

"Colonel Commanding Brigade.

"Capt. L. W. BARNHART,

"Acting Assistant Adjutant General,

"Third Division, Cavalry Corps.

"Whitaker applied for leave of absence in a letter as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"White House, Va., March 23, 1865.

"Lieut. Col. F. H. NEWHALL,

"Assistant Adjutant General.

"COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

"I am, Colonel,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

"Lieutenant Colonel First Connecticut Infantry,

"Acting Assistant Inspector General.

"The application was returned with indorsement: 'Not granted for the present.'

"A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

"On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

"[Special Orders, No. 20.]

"HEADQUARTERS THIRD CAVALRY DIVISION,

"April 19, 1865.

"[Extract.]

"2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

"By command of Bvt. Maj. Gen. Custer, acting adjutant general.

"Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111-1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, [acting] assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesboro March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign."

"An order was issued on April 21, 1865, as follows:

"[General Orders, No. 22.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"April 21, 1865.

"The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

"By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

"On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

"STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
"Norwich, April 28, 1865.

"SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

"I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

"I am, with high consideration.

"Your obedient servant,

"WM. A. BUCKINGHAM,
"Governor of Connecticut.

"Hon. E. M. STANTON,
"Secretary of War.

"(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

"Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

"NORWICH, CONN., April 29, 1865.

"SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, re-enlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly correct in his habits, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier.

"Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

"Your obedient servant,

"L. F. S. FOSTER.

"Mr. Secretary STANTON.

"On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

"WAR DEPARTMENT,
"Washington, May 19, 1865.

"SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States, to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"EDWIN M. STANTON,
"Secretary of War.

"Bvt. Brig. Gen. E. W. WHITAKER,
"United States Volunteers (through Maj. Gen. Sheridan).

"Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"ARMY OF THE POTOMAC,
"May 22, 1865.

"Brig. Gen. E. D. TOWNSEND, Adjutant General.

"GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith

the oath of office subscribed and attested, together with report giving age, birthplace, etc.

"I have the honor, General, to be,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,
"Lieutenant Colonel First Connecticut Cavalry,
"Brevet Brigadier General Volunteers.

"It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

"[General Orders, No. 2.]
"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"May 25, published May 30, 1865.

"The major general commanding announces the following-named officers as composing his staff:

"Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * *
"By command of Bvt. Maj. Gen. Davies.
"THOS. C. LEBON,
"Acting Assistant Adjutant General.

"On May 25, 1865, an order was issued as follows:

"[Special Orders, No. 33.]
"HEADQUARTERS THIRD CAVALRY DIVISION,
"May 25, 1865.

"Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

"By command of Brig. Gen. Capehart.
"H. M. BURLEIGH,
"Assistant Adjutant General.

"In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer 'whom you spoke of to me as one who would make a good staff officer.'

"A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

"On June 11, 1865, the officer received leave of absence in an order as follows:

"[Special Orders, No. 18.]
"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"June 11, 1865.

* * * * *
"3. Leave of absence is granted to the following-named officers:

"Bvt. Brig. Gen. E. W. Whitaker, assistant inspector general and chief of staff, Cavalry Corps, for five days.

* * * * *
"(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

"A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as assistant inspector general and chief of staff of the general commanding.

"On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"July 11, 1865.

"Col. T. S. BOWERS,
"Assistant Adjutant General, United States Army.

"COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

"Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the Regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking

up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"Brevet Brigadier General, United States Volunteers,

"Acting Inspector General and Chief of Staff,

"Lieutenant Colonel First Connecticut Cavalry.

"The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

"On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

"[Special Orders, No. 173.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"Washington, D. C., July 18, 1865.

"7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once join their proper regiments.

"Under the provisions of General Orders, No. 106, of June 2, 1865, War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

"The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

"By command of Maj. Gen. C. C. Auger.

"R. CHANDLER,

"Assistant Adjutant General.

"Following is a copy of an order relative to this officer issued on July 20, 1865:

"[Special Orders, No. 175.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"TWENTY-SECOND ARMY CORPS,

"Washington, D. C., July 20, 1865.

"Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

"At the expiration of this time he will report to the chief mustering officer of his State.

"By command of Maj. Gen. Auger.

"R. CHANDLER,

"Assistant Adjutant General.

"Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

"ALLYN HOUSE,

"Hartford, Conn., July 28, 1865.

"Lieut. Col. C. C. GILBERT,

"Chief Mustering Officer, State of Connecticut.

"COLONEL: I have the honor to report to you, in compliance with a paragraph from a Special Order No. 175, dated July 20, 1865, from headquarters, Quartermasters Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

"I would respectfully request orders or instructions at your earliest convenience.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"Brevet Brigadier General,

"Lieutenant Colonel First Connecticut Cavalry.

"The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

"In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

"The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

"On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

"[General Orders, No. 133.]

"WAR DEPARTMENT,

"ADJUTANT GENERAL'S OFFICE,

"Washington, August 22, 1865.

"Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865:

"Volunteer force.

"To be brigadier generals by brevet.

"Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

"By order of the Secretary of War:

"E. D. TOWNSEND,

"Assistant Adjutant General.

"The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing therein showing that the appointment was to date from March 13, 1865, and was granted 'for gallantry and uniform good conduct.' The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

"Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

"Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

"First Bull Run, July 21, 1861. (B.)

"Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)

"First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)

"Action near Carmel Church, July 22, 1862. (B.)

"Second raid on Virginia Central Railroad, July 24, 1862. (D.)

"Third raid on Virginia Central Railroad, August 6-7, 1862. (B.)

"Cedar Mountain, August 9, 1862. (B.)

"Fords of Rapidan, August 18-19, 1862. (B.)

"Brandy Station, August 20, 1862. (B.)

"Rappahannock Station, August 20 to 23, 1862. (B.)

"Thoroughfare Gap, August 27 and 28, 1862. (B.)

"Groveton, August 29, 1862. (B.)

"Bull Run, August 30, 1862. (B.)

"Sudley Church, November 3, 1862. (C.)

"White Plains, November 8, 1862. (D.)

"Fredericksburg, December 13, 1862. (B.)

"Chancellorsville campaign, April 26 to May 6, 1863. (B.)

"Stoneman's raid, April 29 to May 7, 1863. (B.)

"Louisa Court House, May 2, 1863. (B.)

"Fortifications of Richmond, May 4, 1863. (B.)

"Aylett's Ferry, May 5, 1863. (B.)

"Brandy Station, June 9, 1863. (B.)

"Aldie, June 17, 1863. (B.)

"Hanover, Pa., June 30, 1863. (B.)

"Gettysburg, Pa., July 1 to 3, 1863. (A.)

"Monterey, Md., July 4, 1863. (A.)

"Williamsport, July 6, 1863. (A.)

"Funktown, July 9, 1863. (A.)

"Jones Cross Roads, July 10, 1863. (B.)

"Falling Waters, July 14, 1863. (B.)

"Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)

"Rappahannock River, September 15 and 16, 1863. (B.)

"Robertson's River, September 17-24, 1863. (B.)

"Whites Ford, at Liberty Mills, September 22, 1863. (B.)

"Hazzell River, October 7, 1863. (C.)

"James City, October 9 and 10, 1863. (A.)

"Rappahannock River, October 11 to 15, 1863. (B.)

"Buckland Mills, October 19, 1863. (B.)

"Mortons Ford, November 15, 1863. (D.)

"Raccoon Ford, December 5, 1863. (B.)

"Ellis Ford, January 18, 1864. (B.)

"Stephenburg, January 19, 1864. (D.)

"Raid on Richmond, February 28 to March 4, 1864. (B.)

"South Anna River, February 29, 1864. (B.)

"Fortifications of Richmond and Ashland, March 1, 1864. (B.)

"Old Church at Walkerstown, March 2, 1864. (B.)

"Craig's Meeting House, May 5, 1864. (B.)

"Todd's Tavern, May 6, 1864. (B.)

"Spotsylvania Court House and Wilderness, May 8, 1864. (B.)

"Sheridan's Raid on Haxhalls Landing, May 9 to 20, including Beaver Dam Station, May 9 and 10, 1864. (B.)

"Yellow Tavern, May 11, 1864. (B.)

"Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)

"Mechums Creek, Hanover Court House, May 31, 1864. (B.)

"Ashland, June 1, 1864. (B.)

"Hawes Shop, June 2, 1864. (B.)

"Old Church, June 10 and 11, 1864. (B.)

"Long Bridge, June 12, 1864. (B.)

"White Oak Swamp, June 13, 1864. (B.)

"St. Mary's Church, June 15, 1864. (B.)

"Raid on Danville and Weldon Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)

"Roanoke Station, June 25, 1864. (B.)

"Stony Creek, June 28, 1864. (A.)

"Reams Station, June 29, 1864. (A.)

"Defense at Washington, July 11 to 13, 1864. (A.)

"Summit Point, August 21, 1864. (A.)

"Charlestown, August 24 and 25, 1864. (A.)

"Kearneyville, August 25 and 26, 1864. (A.)

"Lacys Springs, December 21, 1864. (B.)

"Capture of Harry Gilmor, February 6, 1865. (A.)

"Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)

"Dinwiddie Court House, March 31, 1865. (B.)

"Five Forks, April 1, 1865. (A.)

"Deep Creek, April 3, 1865. (B.)

"Sailors Creek, April 6, 1865. (B.)

"Appomattox Station, April 8, 1865. (A.)

"Appomattox Court House, April 9. At head of charge receiving surrender of Lee's army, 1865. (A.)

"On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

"HEADQUARTERS, MILITARY DIVISION OF THE GULF,
"New Orleans, La., April 4, 1866.

"To the Hon. E. M. STANTON,
"Secretary of War, Washington, D. C.

"DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army, upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

"I am, sir, very respectfully, your obedient servant,

"P. H. SHERIDAN,

"Major General, United States Army.

"Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"Washington, October 13, 1866.

"Hon. E. M. STANTON,
"Secretary of War.

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

"Very respectfully, your obedient servant,

"U. S. GRANT, General.

"Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"Washington, October 17, 1866.

"Hon. E. M. STANTON,
"Secretary of War.

"SIR: In view of the fact that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

"Very respectfully, your obedient servant,

"U. S. GRANT, General.

"In the list accompanying the letter Whitaker was once more recommended for appointment as captain of Cavalry.

"The letter of October 17, 1866, was referred to the President by the Secretary of War on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

"Thereupon a notification of appointment was prepared, as follows:

"WAR DEPARTMENT,
"Washington, October 18, 1866.

"SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley, Kans.

"EDWIN M. STANTON,
"Secretary of War.

"Capt. E. W. WHITAKER,
"Seventh Regiment United States Cavalry,
"Hartford, Conn.

"The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response

having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

"The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

"List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"Name: T. Whitaker, E. W.

"Appointment: Captain, Seventh Cavalry.

"Recommended by: Gen. Grant on Army record; no residence stated.

"Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled.

"J. C. KELTON,

"Assistant Adjutant General."

"The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"EDWIN M. STANTON,

"Secretary of War.

"Approved:

"ANDREW JOHNSON."

"On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

"With regard to the statement in the accompanying bill to the effect that Gen. Whitaker 'declined to accept an appointment issued to him as captain in the Seventh Regiment, United States Cavalry,' because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

"In a letter addressed to the President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

"On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

"In the year 1895 application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

"STOCKFORD, WILMINGTON, DEL.,

"February 27, 1895.

"JAS. R. DURHAM, Esq.,

"Washington, D. C.

"DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

"I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished service in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my re-

gret is all the keener as I find I failed to keep a copy of the letter in question.

"I now beg to replace it by what follows:

"E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

"As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

"Yours, very respectfully,

"JAMES H. WILSON,

"Late Major General, Volunteers.

"[Special Orders, No. 135.]

"GENERAL HEADQUARTERS STATE OF CONNECTICUT,

"ADJUTANT GENERAL'S OFFICE,

"Hartford, September 15, 1864.

"1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

"By order of the Commander in Chief.

"HORACE J. MORSE,

"Adjutant General.

"The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

"WAR DEPARTMENT, OFFICE OF THE SECRETARY,

"March 22, 1898.

"By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

"At Reams Station, Va., June 29, 1864, this officer, then captain, First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

"R. A. ALGER,

"Secretary of War.

"Respectfully submitted.

"GEO. ANDREWS,

"The Adjutant General.

"WAR DEPARTMENT,

"THE ADJUTANT GENERAL'S OFFICE,

"March 10, 1914.

"The honorable the SECRETARY OF WAR."

[Senate Report No. 281, Sixty-fifth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2646) for the relief of Edward W. Whitaker, have considered the same and report it back to the Senate with the recommendation that it do pass.

"The records of the War Department show that Gen. Whitaker enlisted as a private April 19, 1861, in Company A, First Connecticut Infantry Volunteers, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers, and then was specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled.

"Gen. Whitaker was given a hearing on March 3, 1916, before a subcommittee of the Committee on Military Affairs in connection with a similar bill (S. 2517) which passed the Senate in the Sixty-fourth Congress. An extract from the report of that hearing is printed herewith:

"The CHAIRMAN. Now, Gen. Whitaker, please state, so the stenographer can get it down, the history of your service, making it as condensed as possible and giving the reasons why you ask to have this bill passed.

"Gen. WHITAKER. Thank you, Mr. Chairman. I wish to say that the outline of my services and the claims that I present are briefly recited in Senator BRANDEGEE's bill, S. 2517. My military history is briefly recited there, and the grounds on which I feel that special legislation would be justified in this case. You have right there, supporting it, a full detailed military history from the War Department of about 50 pages. That recites my record all the way from the Battle of Bull Run to Appomattox. It also recites the fact that at the close of the war I was appointed a captain in the Seventh United States Cavalry, an appointment I declined on account of the fact that my disabilities, incurred in the last battles of the war, would have immediately resulted in my being ordered before a medical examining board and my being retired on account of my disabilities.

"I was unfitted for the service. Had I been retired under the law at that time I would have been retired as a lieutenant colonel, but I was somehow too proud to accept that. I said, "I have my hands and I can get my living, and therefore I will not be a pensioner on the rolls of the Government when the Treasury is so depleted on account of the terrible cost of the great war we have just passed through." Out of my foolish pride, I concede now, I declined that appointment. I would have been all these long years on the retired list, competing with men that could not beat me every time. Besides, I did not feel that I was so seriously disabled; if I had had an arm off I probably should have accepted the appointment.

"I have been induced, however, during the last 12 years by my friends, on account of my growing disabilities, to ask to be put on the retired list. My Congressman, Charles A. Russell, 12 or 15 years ago introduced a bill to retire me as captain, in view of the fact I had been once appointed captain. He thought at first he had only to go to the White House, to the President, and he would at once reappoint me, but he soon learned he could not do so. For 12 years I have been hoping to be retired. During those years the volunteer officers have organized an association to secure a general legislative retirement bill. They organized that after I had tried. I had only tried after a few of my Confederate friends were put on the list. Men who had fought for four years against me in the field were retired, and many volunteer Union officers. My old captain, Joseph R. Hawley, who became a general, was put on the retired list, and Gen. Osterhaus, both volunteers. They were civilians who were put on the retired list in their old age.

"I have been rather negligent about pressing my bill, for the reason I did not have the means to employ a lawyer, and I had hoped that during these long years perhaps those volunteer officers would secure the passage of the general bill and I would be taken care of there. But recently I have been assured that there is no prospect whatever of a general retirement bill being passed, by reason of the fact that it would involve a large sum of money, and that it might provide for men who are amply able to subsist without a pension or retired pay from the Government.

"My friends have urged me to press my individual bill, and I have plenty of friends in the Senate; and, having their assurance that there would be no opposition to a meritorious individual bill, I have had the audacity to ask for a special hearing. Last year I was denied even a five-minute hearing by a Senator who is not now on the committee. He said, "Drop it. Support the general

bill; we will put the general bill through." It failed. I do not want to say anything further to go into the report, and I will therefore state that I leave the whole matter in your hands, gentlemen.

"I ought to add, however, that I am in that condition of health and forced in my occupation to expose myself so that I will probably not survive another year. I have serious bronchial trouble. I am occupying a position which is menial and degrading. I am watching the violations of the smoke law in the District of Columbia here, so as to get pure air to breathe. That necessitates my exposure in blizzards like this—and I only got leave of absence for to-day so as to come here—on the tops of high buildings, where I can not protect myself with the most heavy clothing in the world. I have to stand still and get no exercise. Each year I get worse and worse with my bronchial trouble, and unless I get some relief I shall have to go to some soldiers' home or be "planted" in Arlington. That is the way it looks now. I leave the matter with you.

"Senator MYERS. What would be your pay if you were retired as lieutenant colonel?

"Gen. WHITAKER. I have been asked that repeatedly, and I have told everybody that I have never thought of asking the question or looking it up. I do not know what the retired pay of a lieutenant colonel is. It is cut down considerably from what the Regulars get in the service; they have a lot of perquisites. I can not tell you the retired pay of a lieutenant colonel to save my life.

"The CHAIRMAN. Do you get a pension now?

"Gen. WHITAKER. Yes. I have \$30 a month, the rating for total disability incurred when holding the rank of lieutenant colonel. I should have told you that when I was examined in the Pension Bureau the examiners found me three times totally disabled. If I could have received the aggregate pension for all my disabilities it would have amounted to \$104 a month. The ratings added together would have amounted to that much, but no rate could legally be put above \$30. I am rated at only \$30.

"The CHAIRMAN. Do you know of any other instances where volunteers who served in the Army when the war was over and their services were ended were retired on officers' pay?

"Gen. WHITAKER. Plenty of them everywhere.

"The CHAIRMAN. Without being reappointed, or something of that sort?

"Gen. WHITAKER. No; not without being reappointed. They were appointed—many of my own friends were appointed the same as I was. I recollect Capt. Tyler, who was competing in business with me in Washington. He had his arm off. I did not even ask for a pension until in the eighties, when I broke down in business. I was too proud to ask for a pension prior to that.

"The CHAIRMAN. When did your service terminate?

"Gen. WHITAKER. I was mustered out August 16, 1865, and enlisted April 15, 1861. I was four years and four months in the service, and there is not a scratch of a pen against me. I was never reprimanded and never absent without leave. I have as perfect a military record as can be produced.

"The CHAIRMAN. If you had accepted the appointment as captain you could have retired later while in the service as captain, and then you would have been retired on that basis—

"Gen. WHITAKER. I would have been retired as a lieutenant colonel promptly, on medical examination, under the law at that time, by reason of the fact that I was disabled while ranking as lieutenant colonel.

"The CHAIRMAN. I thought you were ranking as captain?

"Gen. WHITAKER. No; the law will tell you that a retired Army officer, retired for disabilities incurred in the service, would be retired at the rank he held when disabled. I was disabled as a lieutenant colonel. Many have said to me, "You should be retired as a general." But no; I was not appointed as a general (brigadier by brevet) until after Appomattox. Then I was mustered out, August 16, 1865, as a brevet brigadier general. I could not have been retired as a general under the law; I could only have been retired as a lieutenant colonel, the rank I held at the time I was disabled at Five Forks.

"Senator MYERS. What is your age?

"Gen. WHITAKER. I was 19 when I enlisted. I will be 75 in June next.

"The CHAIRMAN. I believe that is all, General.

"Gen. WHITAKER. I am very much obliged to you, gentlemen."

[Senate Report No. 150, Sixty-sixth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 861) for the relief of Edward W. Whitaker, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

"In line 15, page 1, strike out the words 'after the date of the passage of this act' after the word 'States' and insert 'thereafter'."

"In line 2, page 2, strike out 'passage of this act' and insert 'date of his commission as a retired officer.'"

"At the end of the bill strike out the period, insert a colon, and the words 'Provided further, That no back pay, allowances, or other emoluments except his pay as a retired lieutenant colonel of Cavalry shall accrue as a result of the passage of this act.'"

"It appears that the beneficiary named in this act is now a pensioner, and the purpose of these amendments is to make clear the intent of Congress that there shall be no duplication in payments. This bill was favorably reported to the Senate in the Sixty-fourth Congress, and the CONGRESSIONAL RECORD for April 24, 1916, page 6709 et seq., in the proceedings of the Senate, contains a full explanation of its purpose. The report of the committee of that Congress follows:

"The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"On page 2, line 11, after the word 'extent,' insert: 'Provided, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.'"

"A statement made by The Adjutant General, United States Army, regarding Mr. Whitaker, is hereby filed with this report. The pension certificate under which the said Edward W. Whitaker is receiving pension sets forth the reasons why he is paid said pension and is as follows:

"UNITED STATES OF AMERICA,
"DEPARTMENT OF THE INTERIOR,
"BUREAU OF PENSIONS."

"It is hereby certified that, in conformity with the laws of the United States, Edward W. Whitaker, who was a first lieutenant, Company C, Second Regiment New York Cavalry, and lieutenant colonel First Regiment Connecticut Volunteer Cavalry, is entitled to a pension at the rate of \$30 per month, to commence on the 26th day of March, 1887, this pension being for slight deafness of both ears and resulting severe deafness of left ear and slight deafness of right ear, and injury of thighs and small of back and right inguinal hernia. Reissue in lieu of lost certificate dated June 18, 1889.

"Given at the Department of the Interior this 5th day of February, 1915, and of the independence of the United States of America the one hundred and thirty-ninth.

"(Signed) FRANKLIN K. LANE,
"Secretary of the Interior."

"Countersigned:

"G. M. SALTZGABER,
"Commissioner of Pensions."

[Senate Report No. 308, Sixty-fourth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"On page 2, line 11, after the word 'extent,' insert: 'Provided, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.'"

"A statement made by The Adjutant General, United States Army, regarding Mr. Whitaker is hereby filed with this report. The pension certificate under which the said Edward W. Whitaker is receiving pension sets forth the reasons why he is paid said pension, and is as follows:

"UNITED STATES OF AMERICA,
"DEPARTMENT OF THE INTERIOR,
"BUREAU OF PENSIONS."

"It is hereby certified that, in conformity with the laws of the United States, Edward W. Whitaker, who was a first lieutenant, Company C, Second Regiment New York Cavalry, and lieutenant colonel First Regiment Connecticut Volunteer Cavalry, is entitled to a pension at the rate of \$30 per month, to commence on the 26th day of March, 1887, this pension being

for slight deafness of both ears and resulting severe deafness of left ear and slight deafness of right ear, and injury of thighs and small of back and right inguinal hernia. Reissue in lieu of lost certificate dated June 18, 1889.

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"Secretary of the Interior."

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"Commissioner of Pensions."

[House Document No. 986, Sixty-third Congress, second session.]

"LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A CERTIFIED COPY OF THE FINDINGS OF FACT AND CONCLUSION FILED IN THE CASE OF EDWARD W. WHITAKER AGAINST THE UNITED STATES."

"COURT OF CLAIMS,
"Washington, May 18, 1914."

"HON. CHAMP CLARK,
"Speaker of the House of Representatives."

"SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conclusions filed in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives June 22, 1912, under the act of March 3, 1911, known as the Judicial Code.

"I am, very respectfully, yours,

"JOHN RANDOLPH,
"Assistant Clerk Court of Claims."

[Court of Claims. Congressional, 15837-295. Edward W. Whitaker v. The United States.]

"STATEMENT OF CASE."

"This is a claim for bounty for military service during the Civil War, and in the petition filed June 21, 1913, petitioner alleges as follows:

"That he is a citizen of the United States resident in the city of Washington, in the District of Columbia, and that he has a claim against the United States which arises as follows:

"That he enlisted April 15, 1861, as private, Company A, First Connecticut Infantry, to serve three months, and was mustered out July 31, 1861; he again enlisted in Company B, Second New York Cavalry, August 21, 1861, for a term of three years; promoted second lieutenant, November 16, 1862; first lieutenant, March 17, 1863; captain, January 30, 1864; transferred to First Connecticut Cavalry and promoted major, September 14, 1864; promoted lieutenant colonel, January 17, 1865; and honorably discharged, August 2, 1865, by reason of end of the war.

"That the act of July 22, 1861, entitled 'An act to authorize the employment of volunteers to aid in enforcing laws and protecting public property,' provides (12 Stat., 268):

"Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid * * * when honorably discharged * * * if he shall have served for a period of two years, or during the war, if sooner ended, the sum of \$100."

"And the act of July 28, 1866 (14 Stat., 310), provides:

"That each and every soldier who enlisted into the Army of the United States after the 19th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment, has been honorably discharged, and who has received or who is entitled to receive from the United States under existing laws a bounty of \$100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of \$100 hereby authorized."

"That he presented his claim for bounty under these laws to proper accounting officers of the Treasury, and it was disallowed on the ground that he was discharged for promotion prior to a service of two years.

"That believing this decision to be unfair, he appealed to Congress for relief, and a bill, H. R. 23375, second session, Sixty-second Congress, was referred to this court on June 22, 1912, by a resolution of the House of Representatives, said bill, so far as it relates to his case, reading as follows:

"SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to each of the following persons named in this section, or, if deceased, to the party entitled thereto, the sum of \$400, or so much thereof as may be necessary, being for unpaid balance of bounty for military

service during the Civil War, namely: * * * Edward W. Whitaker, * * *

"The case was brought to a hearing on its merits on the 30th day of March, 1914. C. D. Pennebaker, Esq., appeared for the claimant and the Attorney General, by B. W. Andrews, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

"The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

"FINDINGS OF FACT.

"I. The claimant, Edward W. Whitaker, was enrolled in the military service of the United States on April 19, 1861, for three months, in Company A, First Connecticut Volunteer Infantry, and was mustered out with his company July 31, 1861.

"He was again enrolled in Company D, Second New York Cavalry, August 21, 1861, for three years; was promoted to be second lieutenant November 16, 1862, and resigned as captain April 29, 1864.

"II. Said claimant filed a claim for bounty with the accounting officers of the Treasury under the act of July 22, 1861 (12 Stat., 269), and July 28, 1866 (14 Stat., 322), and the same was disallowed April 14, 1909, for the following reasons:

"For his first service as an enlisted man there is no law authorizing the payment of bounty. As of his second service, he was enrolled as an enlisted man after July 21, 1861, and discharged for promotion prior to two years' service, hence no bounty due."

"CONCLUSION.

"Upon the foregoing findings of fact the court concludes that the claim is neither a legal nor an equitable one against the United States.

"BY THE COURT.

"Filed April 27, 1914.

"A true copy:

"Test this 16th day of May, 1914.

"JOHN RANDOLPH,

"Assistant Clerk Court of Claims."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. LENROOT. This matter was not even presented to the committee. It is bad policy to place matters of this kind upon an appropriation bill, especially when the committee has not had opportunity to consider it. I therefore feel constrained to make a point of order against the amendment.

Mr. BRANDEGEE. The matter was not strictly formally presented to the committee, I admit. I did, however, consult with the chairman of the committee and the Senator having the bill in charge and asked them if they would be willing to let it go to conference and see if the House conferees would not agree to it, but not to press it unduly if the House would not agree to it.

One of my predecessors in the Senate, Senator Hawley, once had the amendment placed upon a similar appropriation bill in order to get it through. This gentleman was an intimate friend of Gen. Hawley. He has only a year or so yet to live. I would not ask that it be considered as an amendment to the pending bill if there was any prospect of its getting attention in the House in the ordinary manner. I hope, inasmuch as the chairman of the committee and the Senator in charge of the bill have no objection to it, that the Senator from Wisconsin will not feel constrained to insist upon his point of order.

Mr. LENROOT. As a member of the subcommittee I will say that there was one other very similar matter brought to the attention of the committee and the committee declined to favor the amendment in that case. I do think it would be a discrimination against others to permit it in this case; and if it be permitted in this case there are no doubt a dozen equally meritorious propositions now pending before the Committee on Military Affairs that would have equal claim to go upon the bill. I shall, therefore, insist upon the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

Mr. FRELINGHUYSEN. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WADSWORTH, Mr. FRELINGHUYSEN, and Mr. McKELLAR conferees on the part of the Senate.

CON MURPHY.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 3119) for the relief of Con Murphy. It will lead to no debate; or if so, I shall not press it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, to strike out "\$5,000" and insert "\$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Con Murphy, for personal injuries sustained by him while in the performance of his duty as janitor in the Custodian Service, Federal building, Cheyenne, Wyo.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUITS IN ADMIRALTY—CONFERENCE REPORT.

Mr. JONES of Washington. There is a conference report on the table which has been acted upon by the House, and I ask that it may be considered. I think it will take but a moment. It is the conference report on Senate bill 3076, authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this act shall not apply to the Panama Railroad Co.

"SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libellant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private par-

ties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libellant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libellant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this act.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libellant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the

United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

And the House agree to the same.

W. L. JONES,
F. M. SIMMONS,
CHAS. L. McNARY,
Managers on the part of the Senate.
A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

The report was agreed to.

PRINTING OF MATTER IN CONGRESSIONAL RECORD.

Mr. SMOOT. Mr. President, I wish to give notice at this time that, beginning to-morrow morning, I shall object to any outside matter being printed in the CONGRESSIONAL RECORD on request of Senators, with the exception of resolutions from State legislatures or city councils. I want Senators to know now that there will be no discrimination, but it will apply to every Senator. The only way Senators will be allowed to get any such matter in the Record from now on will be by a vote of the Senate. I felt that I should give the notice this morning.

Mr. HITCHCOCK. I should like to ask the Senator what his objection will cover? I did not hear it clearly.

Mr. SMOOT. My objection will cover everything with the exception of resolutions from the legislature of a State or the city council of a city, I will say to the Senator.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 4.

Mr. WALSH of Montana. Mr. President, the purpose of the reservation now under consideration by the Senate is to limit controversies which come under consideration or investigation by the league. It is quite evident that it was not the purpose of those framing the covenant that purely domestic questions should fall within the jurisdiction of either the council or the assembly, and a method was provided by which the question should be determined, when the objection was raised that a question was domestic in character, that the council should determine whether it was or was not.

Very serious objection was made on Thursday last by the Senator from Missouri [Mr. REED] to the all-embracing provisions of the covenant in relation to questions which might be submitted for investigation or inquiry by the council or the assembly. I thought it quite pertinent and appropriate to call the attention of the Senate—and of the country, for that matter—to the fact that we have already traveled a long way in the direction of submitting controversies either to arbitration or to investigation. The Senator from Missouri felt very much concerned for the future of our country by reason of these provisions, under which questions generally were thus to be submitted for investigation, apparently overlooking entirely the fact that we have already gone almost as far in that direction, and in some aspects and particulars even farther, by the so-called Bryan treaties, which were adopted by the practically unanimous vote of the Senate away back in the year 1914, nearly six years ago.

I regret that the Senator from Missouri [Mr. REED] is not here this morning. I should like to have his attention if he were here to article 1 of the so-called Bryan treaties. I read from the treaty between the United States and the Netherlands, ratified by the Senate on the 13th day of August, 1914. It reads as follows:

The high contracting parties agree that all disputes between them—

All disputes between them—

of any nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article.

Mr. KNOX. May I ask the Senator from Montana from what he is reading?

Mr. WALSH of Montana. I read from the treaty with the Netherlands, ratified by the Senate on the 13th of August, 1914, a characteristic so-called Bryan treaty.

I invite the attention of the Senate to the fact that this provides for the submission of every question. It would not even exclude those that are distinctively domestic in character, if, indeed, a dispute could arise over a purely domestic matter.

I wish to call attention to the fact that this international commission, to which all of these disputes of every character are relegated, exercises practically the same power as that reposed in the council or in the assembly of the league. It investigates, it inquires, and it makes a report. That is all the council is entitled to do under the provisions of article 15 of the covenant. Whenever there is a division, if any one voice should be raised against it, the council can do nothing more than the international commission can do under the Bryan treaties, namely, to investigate and report. But if the council shall be entirely unanimous or in case an appeal should be taken to the assembly and the assembly is unanimous and a majority of the other members of the league agree, still nothing can be done by the council. Its judgment, its report, is no more enforceable than is the report of the international commission provided for in the Bryan treaties, and the only difference in the effect is that under article 15 the nation against which the report goes agrees that it will not go to war to enforce its claim involved in the dispute.

Mr. PHELAN. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. PHELAN. The Senator has evidently made a study of this question. I should like to inquire what is the effect of the report and the purpose of the report? Is it merely to create a

public sentiment among the nations in favor of one proposition or another?

Mr. WALSH of Montana. That is all. It is believed that the world will accept the judgment of the international commission as the proper solution of the dispute, and that a nation going to war contrary to the determination of the council would not have that support of world opinion that is so important in one of these great contests.

That is exactly the effect that goes with the determination of the council under the provisions of article 15. It is equally believed that the judgment of the council, whenever a matter is referred to it under the provisions of article 15, will be accepted by the world, and that it will thus act as a deterrent upon both of the parties interested, or upon as many parties as are interested, against an appeal to arms.

Mr. PHELAN. May I further interrupt the Senator?

Mr. WALSH of Montana. Yes.

Mr. PHELAN. I was not aware that the Bryan treaties were so general in their terms as to require the submission of all questions to negotiation, and in case of failure by negotiation to report. Does the Senator think a question so confessedly domestic as the question of immigration should be submitted at all, either to negotiation or to report, when there is no disposition on the part of this Government at any time to submit to a foreign or mixed tribunal the settlement of a question of that kind?

Mr. WALSH of Montana. I prefer not to be diverted from the line of argument I am now making to consider the advisability or the wisdom of the Bryan treaties.

Mr. PHELAN. I will not interrupt the Senator further.

Mr. WALSH of Montana. I am calling attention to the fact that we went further in the Bryan treaties, and we now have international engagements more extensive in their scope with respect to the submission of controversies to inquiry or investigation or to arbitration than the covenant which has been the subject of so much criticism.

Mr. President, not only that; not only do we by those treaties agree to submit to inquiry all controversies of every nature whatsoever, but when those treaties were under consideration the Senator from Washington [Mr. POINDEXTER] undertook to exclude from the operation of them any questions arising under the Monroe doctrine, and he was not able to muster a handful of Senators to the support of that contention. The proceedings of the Senate upon the so-called Bryan treaties appear never to have been printed in the CONGRESSIONAL RECORD, but I have before me the record of executive session for August 3, 1914, the treaty with Norway being under consideration. From that record I read as follows:

Mr. POINDEXTER proposed the following amendment:

In article 1, line 1, after the word "disputes," insert the following: "Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties."

That would make the article read:

The high contracting parties agree that all disputes not involving the Monroe doctrine or other question of settled national policy, or the vital interests, or the national honor of the high contracting parties between them, of every nature whatsoever, to the settlement of which—

And so forth.

Mr. WOLCOTT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH of Montana. I yield to the Senator.

Mr. WOLCOTT. Merely for the purpose of clarity, I desire to suggest that the Senator from Montana referred to the treaty from which he has quoted as "the Norway treaty." Of course, that is the one of the Bryan treaties applicable to Norway?

Mr. WALSH of Montana. It is the treaty between the United States and Norway, and is one of the Bryan treaties.

Mr. WOLCOTT. It is one of the so-called Bryan treaties?

Mr. WALSH of Montana. Yes. I continue to read from the executive Journal:

Pending the consideration of his amendment and in response to a suggestion by Mr. POINDEXTER of the absence of a quorum, the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

The call of the roll for the yeas and nays on Mr. POINDEXTER'S amendment was ordered, and, on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

Those who voted in the affirmative are, Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

Mr. OVERMAN. Would it not be well to have the names of those who voted in the negative also read?

Mr. WALSH of Montana. I ask, Mr. President, that the entire record on the Bryan treaties in the Executive Journal from page 508 to page 516 be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Executive Journal, Thursday, August 13 (legislative day of August 11), 1914.]

"Pursuant to the agreement of yesterday, August 12, 1914, the Senate proceeded to consider executive business at 11 o'clock a. m. (the Vice President in the chair), and, as in Committee of the Whole, continued consideration of the treaty with Norway (Ex. J., 63d Cong., 2d sess.) looking to the advancement of the cause of general peace.

"Mr. Jones suggested the absence of a quorum, and the roll being called, 50 Senators responded to their names, showing a quorum to be present.

"The treaty was read a second time and proceeded with article by article.

"The Committee on Foreign Relations having no amendments, Mr. Cummins presented the following, which, by unanimous consent, was treated as one amendment:

"Article II. In line 2, after the word 'whatsoever,' insert the following: 'wherein the facts are in controversy.'

"In line 3, after the word 'investigation,' insert the words 'of the facts'; and, in the same line, after the word 'report,' insert the word 'thereon.'

"Article III. In line 1, after the word 'adjust,' insert the word 'such.'

"In line 4, after the word 'report,' insert the words 'as to the facts.'

"After debate on his amendment, Mr. Cummins suggested the absence of a quorum. The Chair directed the calling of the roll, and 55 Senators having responded to their names, a quorum was announced to be present.

"Mr. Cummins demanded a call for the yeas and nays on his amendment, and the demand being adequately seconded, the Secretary was directed to call the roll, which was done, with the result that 13 votes were cast in the affirmative and 36 votes in the negative.

"Those who voted in the affirmative are:

"Messrs. Bristow, Clark of Wyoming, Cummins, Fall, Gallinger, Gronna, Hitchcock, Jones, Martine of New Jersey, Page, Poindexter, Smoot, and Sterling—13.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Borah, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Culberson, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Stone, Swanson, Thompson, Thornton, Walsh, West, White, and Williams—36.

"Accordingly, the amendment was not agreed to.

"Mr. Thomas moved to amend by adding at the end of article 2 the following:

"They further agree that pending such investigation and report such dispute shall remain in status quo."

"After debate, the question being on the acceptance of Mr. Thomas's amendment, that Senator demanded the yeas and nays. The demand being seconded, the roll was called, with the result that 5 votes were cast in the affirmative and 45 in the negative.

"Those who voted in the affirmative are:

"Messrs. Clark of Wyoming, Fall, Jones, Martine of New Jersey, and Shafroth—5.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Brady, Bristow, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Cummins, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Page, Perkins, Poindexter, Pomerene, Ransdell, Saulsbury, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—45.

"So the amendment was not agreed to.

"Mr. Cummins moved to strike out the word 'five' and insert the word 'six' in line 1, Article II; to strike out all of the same article after the word 'follows' in line 2, and to insert in lieu thereof the following: 'Three nationals of each of the high contracting parties.'

"The amendment was not agreed to.

"Mr. Poindexter proposed the following amendment:

"In Article I, line 1, after the word 'disputes,' insert the following: 'Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties.'

"Pending the consideration of his amendment and in response to a suggestion by Mr. Poindexter of the absence of a

quorum the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

"The call of the roll for the yeas and nays on Mr. Poindexter's amendment was ordered on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

"Those who voted in the affirmative are,

"Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

"Those who voted in the negative are,

"Messrs. Ashurst, Bankhead, Bryan, Burton, Camden, Culberson, Hitchcock, Hollis, Hughes, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Ransdell, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Sterling, Stone, Swanson, Thompson, Thornton, West, White, and Williams—35.

"(Messrs. Chamberlain, Johnson, Reed, and Thomas being present and paired, the Vice President declared a quorum in attendance.)

"So the amendment was not agreed to.

"No further amendments being offered and none having been agreed to, the proceedings in Committee of the Whole were reported to the Senate.

"Thereupon Mr. Swanson submitted the following resolution of ratification:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Norway (Ex. J., 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington June 24, 1914.

"Mr. Jones submitted the following amendment:

"Add at the end of the resolution the following:

"Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to or investigation by said international commission of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

"The amendment was not agreed to.

"No further amendments being presented, and the question recurring on the resolution as submitted by Mr. Swanson,

"Mr. Poindexter demanded a call of the roll for the yeas and noes. The demand was seconded, and the call being ordered, resulted in a vote of 45 yeas and 5 nays.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Page, Perkins, Pittman, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—44.

"Those who voted in the negative are,

"Messrs. Borah, Bristow, Fall, Jones, and Poindexter—5.

"So the resolution of ratification was agreed to.

"The Senate proceeded then, as in the Committee of the Whole, to consider the treaty with the Netherlands (Ex. P.), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson offered the following resolution of ratification:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P., 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913."

"Mr. Culberson demanded the yeas and nays and the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland, Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

"Those who voted in the negative are,

"Messrs. Clapp, Fall, Jones, and Poindexter—4.

"The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

"The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

"Those who voted in the affirmative are,

"Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

"(Mr. Jones having requested to be excused from voting, the Vice President declared a quorum present.)

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the treaty with Portugal (Ex. S), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson presented the following resolution of ratification:

"*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Portugal (Ex. S, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Lisbon February 4, 1914.*

"Mr. Gallinger raised a point as to the presence of a quorum.

"On the call which ensued, 49 Senators responded to their names, so a quorum was present.

"On demand of Mr. Gallinger, duly seconded, the yeas and nays were ordered on the adoption of the resolution, with the result that 47 votes were cast in the affirmative and 2 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, McCumber, Martine of New Jersey, Nelson, Newlands, O'Gorman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—47.

"Those who voted in the negative are,

"Messrs. Jones and Poindexter—2.

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the other general peace treaties.

"The treaty with Switzerland (Ex. U) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson proposed the following resolution of ratification:

"*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Switzerland (Ex. U, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914.*

"The resolution was put to a vote by unanimous consent and agreed to.

"The treaty with Denmark (Ex. X) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"The amendment was agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Denmark (Ex. X, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington April 17, 1914, with the following amendment:*

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"So that as amended the article will read:

"The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report."

"The treaty with Italy (Ex. Y) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Italy (Ex. Y, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, May 5, 1914.*

"The treaty with Salvador (Ex. K) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to in the order given; and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Salvador (Ex. K, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, August 7, 1913, with the following amendments:*

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report."

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The treaty with Guatemala (Ex. L) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The amendments were agreed to; and

"There being no further amendments,

"The treaty as amended was reported to the Senate."

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Guatemala (Ex. L., 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, September 20, 1913, with the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The treaty with Honduras (Ex. N) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate."

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Honduras (Ex. N, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, November 3, 1913, with the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The treaty with Nicaragua (Ex. O) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate."

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Nicaragua (Ex. O, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 17, 1913, with the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The treaty with Bolivia (Ex. Q) was read the second time and proceeded with article by article. There being no amendments, the treaty was reported to the Senate."

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Bolivia (Ex. Q, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, January 22, 1914."

"The treaty with Persia (Ex. R) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate."

"The amendments made in the Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Persia (Ex. R, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Teheran, February 4, 1914, with the following amendments:

"1. Strike out Article IV."

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'"

"The treaty with Costa Rica (Ex. T) was read the second time and proceeded with article by article."

"There being no amendments, the treaty was reported to the Senate."

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Costa Rica (Ex. T, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914."

"The treaty with Venezuela (Ex. W) was read the second time and proceeded with article by article."

"There being no amendments, the treaty was reported to the Senate."

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Venezuela (Ex. W, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Caracas March 21, 1914."

"The treaty with Uruguay (Ex. Z) was read the second time and proceeded with article by article."

"There being no amendments, the treaty was reported to the Senate."

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Uruguay (Ex. Z, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 20, 1914."

"The treaty with Argentina (Ex. AA) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'"

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate."

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Argentina (Ex. AA, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914, with the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report."

"The treaty with Brazil (Ex. BB) was read the second time and proceeded with article by article."

"There being no amendments, the treaty was reported to the Senate."

"There still being no amendments,"

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Brazil (Ex. BB, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914."

"The treaty with Chile (Ex. CC) was read a second time and proceeded with article by article."

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendment:

"In line 3 in Article I, after the word 'them' and before the word 'shall' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact.'"

"The amendments were agreed to, and

"There being no further amendment,

"The treaty as amended was reported to the Senate."

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Chile (Ex. CC, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, July 24, 1914, with the following amendment:

"In line 3, in Article I, after the word 'them' and before the word 'shall,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact,' so that as amended the article will read:

"The high contracting parties agree that all disputes that may arise in the future between them, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation nor before all resources stipulated in this treaty have proved unsuccessful."

"Ordered, That said resolutions of ratification be transmitted forthwith to the President of the United States."

"On motion by Mr. Swanson, consideration of the treaty with Panama (Ex. M) and the treaty with the Dominican Republic (Ex. V) was postponed."

"On motion by Mr. Swanson, it was

"Ordered, That the injunction of secrecy be removed from the treaties for the advancement of the cause of general peace with Norway, the Netherlands, Portugal, Switzerland, Denmark, Italy, Salvador, Guatemala, Honduras, Nicaragua, Bolivia, Persia, Costa Rica, Venezuela, Uruguay, Argentina, Brazil, and Chile, together with the resolutions of ratification of and the report of the Committee on Foreign Relations on the same, and

"That the said treaties be printed, with amendments."

Mr. WALSH of Montana. In the discussion of this particular phase of the reservation under consideration the Senator from Missouri [Mr. REED] expressed very great concern lest, while a matter in which we were interested was under consideration by the council, our antagonist would be busily engaged in preparing for war, so that immediately the report of the council was submitted we might become the victim of our unpreparedness upon the one side and his extreme preparedness upon the other. Of course, Mr. President, that implies that the United States, among all the nations of the earth, would be blind to everything that was going on throughout the world, and particularly in the enemy country, and would be supinely awaiting

a determination while the other party was feverishly engaged in a military program awaiting the judgment of the council.

Mr. REED rose.

Mr. WALSH of Montana. The Senator will pardon me for just a moment. But, Mr. President, aside from that, I call the attention of the Senate to the fact that that is one of the dangers of the Bryan treaties, which secured practically the unanimous consent of the Senate, as I have heretofore indicated. I conclude the reading of article 1 of the Bryan treaty with the Netherlands, as follows:

And they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Now I yield to the Senator from Missouri.

Mr. REED. I did not rise to make any complaint at all, but the Senator from Montana put a construction upon the words of the Senator from Missouri—I presume he was referring to me—and I wanted to know if he could not put in the RECORD what I said instead of his construction.

Mr. WALSH of Montana. I shall be very glad to submit as a part of my remarks that portion of the remarks of the Senator from Missouri to which I have adverted.

Mr. REED. I have not seen my remarks as they appear in the RECORD.

Mr. WALSH of Montana. I have undertaken to state what the Senator said without having his remarks before me. I understood them to be to the effect that while the council was thus deliberating upon a matter submitted to it under the provisions of article 15, we would be under the peril of the other party feverishly preparing for war.

Mr. REED. I think the Senator—my very good friend, and a very fair man, as fair as his sometimes strong opinions will permit him to be—hardly stated my position correctly. I have not seen my remarks in print since I made them, but I know what my position would have been and what it was on the Bryan treaties.

Mr. WALSH of Montana. I shall be very glad to have the Senator state what his position was in reference to the matter to which I have just, perhaps inaccurately, alluded.

Mr. REED. That is precisely what I should like to do, and I desire to say only a word. My position on the Bryan treaties—

Mr. WALSH of Montana. Mr. President, I made no question as to the Senator's position on the Bryan treaties. I was referring to some remarks which he made last Thursday in criticism of the covenant of the League of Nations, upon the ground that while the question in dispute between this country and another country was under consideration under the provisions of article 15 we were then in peril of having the other party arm against us.

Mr. REED. All that I desire to say is that the position I took on the Bryan treaties and the position I take with reference to this particular clause in the pending treaty is that, if the only effect is a delay of three months, it does not at all follow that it will mitigate the horrors of war, because one or both of the parties may during all of that time be busily engaged in preparing for war, and there is always the danger that one nation, the nation most inclined to follow policies of peace, will be relying upon the protection of a decision, whereas the other nation, probably a nation controlled by an autocracy of some kind, will know exactly what it is going to do and will be preparing all the time to strike. I do not offer that as a major objection, but I do offer it as one of the things that tend to show that three months' delay may not mean peace.

Mr. WALSH of Montana. And the only purpose of my rising this morning is to indicate to the Senator that exactly the same condition confronts us now under the Bryan treaties to which we are already bound.

Mr. REED. And against which I voted. So, I am consistent.

Mr. WALSH of Montana. The Senator is quite in error about that. He voted for the Bryan treaty with the Netherlands, and his vote ratified the treaty.

Mr. REED. If that is true the record is in error, for I voted against every one of the Bryan treaties.

Mr. WALSH of Montana. I read from the executive record.

Mr. REED. If the record shows differently, it shows a mistake.

Mr. WALSH of Montana. The executive record in connection with the treaty with the Netherlands reads as follows:

Mr. SWANSON offered the following resolution of ratification: *"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P, 63d Cong., 2d sess.) looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913."*

Mr. CULBERSON demanded the yeas and nays, and, the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

Those who voted in the affirmative are:

Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland, Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

Those who voted in the negative are,

Messrs. Clapp, Fall, Jones, and Poindexter—4.

The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

Those who voted in the affirmative are,—

Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culbertson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. I yield.

Mr. REED. Of course I have never seen the executive record from which the Senator has read. I consistently opposed the Bryan treaties; I spoke against them, and I have repeatedly stated on the floor of the Senate that I opposed the Bryan treaties. The record is, in my opinion, simply an error. I made speeches against the Bryan treaties when they were being considered here in executive session, as many Senators will remember. That was one of my acts of insubordination. I engaged then in a somewhat lengthy discussion of them. There is a naked possibility that, coming into the Senate on a second call of the roll, I may have voted on this particular matter without having understood the question, voting simply with the great majority present. But I ask the Senator has he examined the votes on the other Bryan treaties?

Mr. WALSH of Montana. I have.

Mr. REED. Does the Senator find me voting for them?

Mr. WALSH of Montana. I find no case where the Senator from Missouri voted against any of them.

Mr. REED. Does the Senator find that I voted for them?

Mr. WALSH of Montana. I do not find the Senator's name as voting at all except on the Netherlands treaty. The Senator was not sufficiently interested in their defeat at least to come in and vote against any of them.

Mr. REED. Oh, well, I was interested against them. The Senator wants to be fair with me—

Mr. WALSH of Montana. Certainly.

Mr. REED. There are Senators here who will remember that I spoke against those treaties. I have always said that, in my opinion, they were treaties that would bring us no good; that they were shortsighted; that they would be obeyed by the power that wanted to obey them and disobeyed by the other; that it would result in the nation employing the interval of time, if it wanted to be a vicious nation, in getting ready to strike us; that we would be the Nation that would rely upon honesty of conduct, but that the same motives could not be attributed to all the nations of the world. I think possibly I can find some remarks I have made of that kind which were not made in executive session; but to try to put me in the attitude of supporting the Bryan treaties by the last remark of the Senator that I was not sufficiently interested to vote against them is not fair. It is true that in the consideration of the Bryan treaties—and there were a number of them—a point was reached where it was perfectly manifest that the Senate was going to ratify them, and objection became absolutely useless.

Mr. WALSH of Montana. Mr. President, that statement of the Senator appears to be sustained by the record, for having taken votes upon several of the treaties and the temper of the Senate having been easily disclosed, the remainder of them went nem con. So that I read the test vote; the Senator, being present, was recorded in the affirmative, and I said that his vote carried the treaty. There were 48 votes—

Mr. REED. Was that the first treaty voted on?

Mr. WALSH of Montana. No; the first treaty voted on was, according to my recollection, the treaty with Norway, and the Netherlands treaty was the second.

Mr. REED. I know I did not support them.

Mr. WALSH of Montana. I do not find the Senator recorded either way upon the first treaty, the treaty with Norway; but

the point that I am making is that 49 Senators appeared to have been present; but the Senator from Washington [Mr. Jones], being present, asked to be excused from voting. It took 49 votes to make a quorum, and, if the Senator from Missouri had not been here, it would have been impossible, on that occasion at least, to ratify the treaty.

There is another matter to which I wish to call the attention of the Senator from Missouri. In connection with the same remarks, to which I have already referred, he insisted that we were submitting these questions to the arbitrament of a foreign tribunal, a tribunal composed of foreigners. Of course, that is correct; the United States will not be permitted to vote upon the determination of any controversy to which it is a party, and naturally the question must then be determined by the votes of representatives of other countries. That, however, is also a feature of the Bryan treaties. I read article 2 of the treaty with the Netherlands, as follows:

The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportion.

The international commission shall be appointed within six months after the exchange of the ratifications of this treaty, and vacancies shall be filled according to the manner of the original appointment.

It thus appears that—

One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country—

That will make four, the third and fourth not being citizens of either country that is a party to the controversy—

The fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

So that of the five members of the international commission provided for by the Bryan treaties, in a case in which we are interested there will be just one United States citizen and four foreigners; so that is another consignment of water that has already gone by the mill. We have committed ourselves to the determination of all of these controversies by a tribunal of investigation and inquiry acting in substantially the same way as the council. We have stipulated that we will not go to war while the subject is under consideration by the commission, and we have agreed that the matter shall be determined by a commission four out of the five members of which are not citizens of this country.

Mr. REED. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. I want to ask the Senator if he does not see first this difference—of course he sees it, for he has stated it. We have one representative in the arbitration under the Bryan treaties.

Mr. WALSH of Montana. Quite right.

Mr. REED. Under the League of Nations we have no representative. That is difference one. Second, under the Bryan treaties we participate in the selection of three of the judges, do we not?

Mr. WALSH of Montana. That is correct.

Mr. REED. And unless we agree upon three of the judges, who constitute the majority, there can be no arbitration. That is true, is it not?

Mr. WALSH of Montana. Yes.

Mr. REED. Now, is there no difference between a tribunal where we must agree on three of the judges, one of whom must be one of our own citizens, and a tribunal where we agree on none of the judges, and every one of them is a foreigner, and probably allied in interest with our antagonist?

Mr. WALSH of Montana. Mr. President, the Senator can point out other differences between the council and the commission agreed upon under the Bryan treaties. That is not the point I am making. The point I am making is that, in the first place, we have already agreed to submit all of these controversies to the determination of a tribunal. In the second place, we have agreed that we will not go to war while that tribunal has these subjects under consideration. In the third place, the commission is composed of four out of five foreigners, as the matter has been expressed by the Senator. Now, there may be some countervailing considerations. I do not undertake to say.

Mr. REED. Mr. President—

Mr. WALSH of Montana. If the Senator will bear with me for a moment, under the Bryan treaties the determination is made by a majority, not by a unanimous vote.

Mr. REED. Certainly; it is made by a majority, and we help pick that majority, and we pick them with a view to the particular controversy where it may be possible to find fair judges, selected with reference to a particular controversy. In other words, it is not much different from an ordinary agreement in court for arbitration; but there is this difference between the two treaties: One is a treaty of arbitration, where we have a direct representation and a right to participate in the selection of a majority of the judges. The other is an agreement to submit a matter to a tribunal which, as we start out, we find is composed entirely of foreigners; we have nothing to say with reference to their selection, and these foreigners are inextricably tied together by every kind of alliance and every kind of agreement and every kind of interest. It is the difference between submitting a thing to a court which you have a reasonable ground to believe will be impartial and submitting it to a court over which you have no control and which you have every reason to believe will be partial.

Mr. WALSH of Montana. I merely desire to add that the only objection I have to this reservation is that I do not care to have my country put in the attitude of saying—that is, so far as I can help it; there are some things I can not help; but I shall not willingly put my country in the attitude of saying—to the other nations of the earth, "If we have a controversy with you which you insist is domestic in character, it must be determined by the council; but if we have a controversy in which we insist that the question is domestic, we will determine it for ourselves." I think it scarcely comports with the dignity of this great country of ours and this Government of ours to tender any such proposition to any nation.

Mr. REED. Mr. President—

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. LENROOT. If, then, we are engaged in a dispute and the other party to the dispute insists that the question is not a domestic one, and we insist that it is, is the Senator in favor of having the council decide for the United States whether it is a domestic question?

Mr. WALSH of Montana. The Senator is in favor of giving the other country exactly the same privilege that we claim for ourselves. If we say for ourselves that we will not submit the controversy to the determination of the council, but that we shall judge it ourselves, we should give the other country exactly the same opportunity.

Mr. LENROOT. Then I should like to ask the Senator's construction of the present treaty, as to whether the council has jurisdiction to decide that question.

Mr. WALSH of Montana. I think the treaty is perfectly plain upon the matter.

Mr. LENROOT. Does the Senator think it has jurisdiction?

Mr. WALSH of Montana. Why, it does not seem to me that the word "jurisdiction" is very appropriately used. There can not be any controversy about what the covenant provides. I read:

If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

I do not see how language could be plainer than that. If we raise the point that the question is domestic in character, the determination of the question as to whether it is or whether it is not goes to the council; and if the council shall determine that it is domestic it shall make no recommendation as to its settlement. If, on the other hand, we have a controversy with some other nation, and we ask the council to determine the matter as between us and the other nation, and the other nation insists that the question is domestic in character, the council would do exactly the same thing; it would determine the matter, and if it found that it was domestic in character it would make no recommendation as to settlement. The Senator can not misunderstand my position. If we are going to determine for ourselves that the question is domestic, it seems to me pretty small to say to the other party, "You shall not."

Mr. LENROOT. I thoroughly agree with the Senator in his construction. I think he is absolutely correct. Then I take it that the Senator's position is that he is willing to amend this treaty, taking away that jurisdiction from the council, but if the treaty can not be amended he is willing to have the council decide these domestic questions?

Mr. WALSH of Montana. The Senator need not go that far. I am in favor of the provision of the treaty just exactly as it stands. I have not the slightest fear about the matter. In the first place, Mr. President, cases are very rarely going to arise where one side will insist that a question is a domestic one; but,

if such a case should arise, what reason have we to assume that the council is going to determine a matter of that character adversely to us, or that there would be prejudice against the contention of the United States?

Mr. PHELAN and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WARSON in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I do.

Mr. PHELAN. The Senator construes the covenant as requiring unanimity on the part of the council in its decision as to whether or not a question is domestic?

Mr. WALSH of Montana. Exactly.

Mr. PHELAN. Then those who are interested in the determination of the question as parties would be excluded from participation?

Mr. WALSH of Montana. Undoubtedly.

Mr. PHELAN. Therefore the United States, for instance, would not be in a position to protect itself?

Mr. WALSH of Montana. If all the world held that we were wrong about the matter, as a matter of course the league would take jurisdiction.

Mr. PHELAN. I call the Senator's attention to a concrete fact:

There was a council in Paris the other day, and the question of racial equality was submitted to it. I believe that body was called a commission; and, as I read the report which has come out—there has been no official report of the proceedings—by a vote of 11 to 5 it was declared that the league covenant should be interpreted to confer national or racial equality; that is, giving Japanese, for instance, the same rights of immigration and naturalization as other nationals. There is a case where a majority has acted, and I understand that those nations which were most interested in defeating the proposal—Great Britain and the United States—voted in the negative. There they had an opportunity to protect themselves. Here, according to the Senator from Montana, if the same proposition arises neither Great Britain nor the United States would be in a position to protect itself. Therefore I believe that the amendment proposed by the Senator from Massachusetts [Mr. LODGE], defining what is a domestic question and debarring the league from jurisdiction over such questions, is a necessary thing to protect the interests of this country.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I will yield to the Senator in just a moment. I merely desire to say to the Senator from California that if he studies the so-called Lodge reservation upon this matter he will see that it does not undertake to define our domestic questions. It says that domestic questions relating to certain subjects shall not be considered by the league, leaving the question as to what are domestic questions to be determined in some way or other.

Mr. PHELAN. My understanding of the Lodge reservation No. 4—I have not it before me—is that questions of immigration, commerce, tariff, and the like, shall be regarded as domestic questions, and shall be excluded from the consideration of the league, thus denying the league jurisdiction.

Mr. LENROOT. Mr. President—

Mr. WALSH of Montana. I want to get the Senator from California straight about this if I can. The Senator obviously is in error concerning the meaning of this reservation. The word "commerce" is in it. If his interpretation is correct, then every question in relation to commerce—even international commerce, which has no domestic aspect at all—is declared to be without the jurisdiction of the league. That is not the purpose of this section at all. It reads:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating—

To commerce or relating to immigration—that is, all domestic questions relating to these subjects—are without the jurisdiction of the league.

Mr. PHELAN. Mr. President, it is a reservation by the United States to decide for itself what questions are within its domestic jurisdiction.

Mr. WALSH of Montana. The Senator is correct about that.

Mr. PHELAN. That is satisfactory to me. The rest is surplusage.

Mr. REED. Mr. President, in order to clear up one or two questions which the Senator from Montana has raised, I want just a few minutes of the time of the Senate.

The Senator undertakes to put me in the attitude of being estopped from saying that the article of the league covenant which provides for the submission of all questions to the council of the league, and that the parties can not go to war pending its decision, and never if the decision is unanimous, is dangerous, because one nation might prepare for war during the interval of abeyance. The Senator so insists on the ground that I voted, as he states and as the Journal he read bears him out in stating, for the Bryan peace treaties.

Of course, we never examine the Journal. The last thing in the world I would do would be to accuse one of the clerks of the Senate either of willfully misrecording a vote or of being stupid in the performance of his business, for neither statement is true; but mistakes occur, and while human recollection is fallible, it is not possible that my recollection is in error about my position with reference to the Bryan treaties. I know that I made speeches opposing the Bryan treaties. My impression at present is that they were all made in executive session in the early days of the debates on those treaties. If made in executive session, of course they do not appear in the RECORD; but one of the first things I was severely criticized for doing in the Senate, as being contrary to the desires of the President, was the opposition I manifested to the Bryan treaties.

I said then, and I say now, this regarding the Bryan treaties: They simply provide for arbitration, and that a nation shall not go to war until there has been a finding by a board of arbitrators.

After that a nation was at perfect liberty to go to war. So that all the Bryan treaties did and all they were intended to do was to delay action. They did not provide for a maintenance of the status quo during that period of arbitration.

I remember illustrating it in this wise: We have a controversy with Japan and Mexico over the attempt of Japan to establish not only a colony but possibly to gain control and a military base and naval base in one of the ports of Mexico. We protest against that action and notify Japan that under the Monroe doctrine we will not permit it, whereupon Japan under the Bryan treaty demands arbitration. Three or four or five or six months elapse, during which time the United States is absolutely bound not to lift a hand, but in the meantime there is no provision binding Japan to cease operations. Accordingly, during that six months, if she were to see fit, she could land an army of a million men, she could establish an impregnable fortress, she could mass her fleet in the waters of the Pacific and place them under the guns of that fortress, so that when the time had expired and we were permitted to act, we would be obliged to move our troops against the guns of a fortress and against an entrenched army of a million men, whereas if we had no such arrangement, at the first moment it became manifest Japan intended to violate the Monroe doctrine we would move our troops and our ships to the scene of action, and we would be able to protect our country with a very slight loss of men and material.

That was my fundamental objection, and I added at that time that it was no answer to say that we, as well as the other nation, might prepare, for that would not save us anything, but that the real difficulty was and is under all these treaties that the United States, always impelled by a high regard for the spirit of the obligations of treaties, would probably rely upon the other nation complying with the treaty, whereas, as experience has shown, autocratic governments and military governments have generally employed to their advantage every such situation as would develop under the circumstances to which I have just alluded.

Now, what has all that to do with this treaty? Where is the parallel between the two? Because I may have agreed that one of my clients should arbitrate a particular question before a certain tribunal, that does not mean that I am thereafter bound to agree that my client shall submit to an entirely different tribunal the arbitration of every question with every individual. It may be entirely wise to agree to arbitrate a question with A or to arbitrate all disputes arising with A, but very unwise to agree to arbitrate all disputes with everybody arising anywhere and at any time before the same or an entirely different kind of court.

But the main point I desire to urge is the essential difference in the courts and causes to be determined. Every lawyer knows that when it is proposed to him to arbitrate a dispute between his client and another, the first question to be settled is the arbiters. If you can secure fair arbiters for that particular question, you sometimes, and, indeed, frequently, agree to arbitration. The ordinary method is for each of the parties to select an arbiter and then the two by agreement select a disinterested man for the third arbiter. Accordingly the litigant has this security, that he knows that one of the men going upon the board

of arbitration is naturally friendly to him and will defend his interests. He knows that the third or deciding vote must be cast by a man whom the litigants' representatives have, after examination, determined to be an absolutely fair and impartial man. So that in fact you have an impartial tribunal to decide the particular case.

It is possible that between nations, if you segregate a particular controversy, you may find a representative of some nation, a citizen of some nation, so far removed by circumstances from an interest in the controversy that his decision will be absolutely impartial. You may find one or two such disinterested individuals. Therefore, an arrangement to arbitrate where the parties are to agree to arbiters in each particular case may be a feasible thing between nations in many cases and a thing highly to be desired and which has not often been done.

Let us compare that to the proposition that is before us. The council is not a board of arbitration selected at the time for a particular case. It is a fixed tribunal, the members of which are selected now, and that membership is permanent. If the members of that tribunal are interested in the controversy there is no way to disqualify them or take them from the board. The only parties that are not allowed to sit are the parties to the controversy, but the parties to the controversy may not be and, indeed, almost inevitably are not the parties at interest. I illustrated that the other day. Suppose that a controversy arises over the Panama Canal Zone, involving the right of the United States to permit ships of her own to go through her own canal free and to charge toll upon the ships of other nations. Suppose that dispute arises between the United States and Great Britain. Of course, Great Britain would not sit and we would not sit upon the board, because we are parties to the controversy. But who would sit and who would constitute the board?

France. Is France interested? She is as much interested as Great Britain in proportion to the number of vessels that she has upon the waters of the ocean, for if her vessels could go through free it would advantage her just as much as it would advantage Great Britain if her vessels could go through free or on a parity with ours. Nevertheless she is not disqualified, but sits. The man who will deny that is not a fair man.

Who else would sit? Japan. Is Japan interested? She has a great navy of war and of peace. She is interested just as England is interested. Italy would sit; she has a navy of war and of peace and is interested. Spain would sit; and she has a navy of war and of peace and is interested. Belgium would sit; she has a navy of war and of peace and is interested. Greece would sit; and she has a navy of war and of peace and is interested. Brazil would sit; and Brazil has a navy of war and of peace and is interested.

We do not sit, and we have no voice. So that instead of having a tribunal where we have a direct representation of two men, where the deciding vote is to be cast by some man picked from a disinterested country, if you can find one in such a controversy—and I do not believe you could in the whole world—you are going before a packed tribunal, the interests of every member being against the claim of the United States. Do Senators see no distinction between that kind of an arrangement and an agreement to arbitrate before arbiters they were to help name? If they were representing their clients, they would see it very quickly.

Again, every nation that I have spoken of is not only interested in the particular controversy, but every representative on the board being an alien to the United States, those nations are all obligated by interests in such manner as to make those interests controlling. What have you to say of the situation of Greece in a controversy between the United States and Great Britain? Is there a man living who supposes that the representative of Greece would be really a free moral agent? Is there a man here who does not know that Greece has been practically sustained by the strong arm of Great Britain for many years, and that Great Britain was so potential in the last war that she practically pulled the King of Greece from his throne and used the waters of Greece as a naval base and the land of Greece as a military base? I do not complain of Great Britain having done this, but to talk about Greece being anything but a British pawn in the great international game is utter and sheer nonsense.

Is Belgium a free moral agent? She was set up as a buffer State to be interposed between Germany and those waters which are contiguous to Great Britain and France. She was sustained by the strength and majesty of the British Army and the British Navy, and the invasion of Belgium was a direct blow at Great Britain. While I will not say it was the real cause, it was undoubtedly a principal cause of Great Britain's ready and magnificent response.

Would Spain be disinterested? Aside from the interest I have already mentioned, there is not a Spaniard living who does not in his heart hate the United States, for every one of them regards the United States as being responsible for having reduced Spain to a fifth-rate power at the cost of her possessions in the Pacific and in the Atlantic. So it rankles in their hearts and will for a century of time.

I shall not take the time of the Senate to refer to all the others, save only Japan. Is there a man here who doubts that in the controversy I have named Japan would be bound to Great Britain by other interests than the mere interest of navigation? In the Orient they are partners in the greatest scheme of exploitation that has occurred in this world since Julius Caesar.

So we do not by this treaty propose arbitration. If the treaty stopped at arbitration, we might all stop much of our caviling. It is not the arbitration feature we are discussing. It is the decision by a fixed body, that body composed exclusively of foreigners, to decide every question between the United States and any foreign power, and the question may involve the life of this Republic.

The Foreign Relations Committee appended a reservation for which I was responsible. It provided that the United States would not submit its national honor or its vital interest; that it would not submit the honor and integrity of this great Nation and would not submit a question involving the life of this Republic, established in the blood of our fathers and baptized in the tears of our mothers. That reservation was defeated in the Senate, and I think the distinguished gentleman from Montana [Mr. WALSH] voted to defeat it.

So the bald proposition is that we will submit to a tribunal composed exclusively of political representatives of foreign States, for the most part monarchies, the life of this Republic. Do you undertake to compare that with the Bryan treaties? There is no comparison.

Mr. WALSH of Montana. I desire to inquire of the Senator whether exactly the same questions would not be submitted under the Bryan treaties that are to be submitted under the covenant? Is not the character of questions identical in the two cases? If we submit to that council a question involving the life of the Nation have we not equally agreed to submit a question involving the life of the Nation under the Bryan treaties?

Mr. REED. Possibly that is true, but when you come to the decision in the one case and in the other, what is the difference? Under the Bryan treaties we submit the controversy to decision and when the decision is rendered it binds nobody.

Mr. WALSH of Montana. Mr. President, I inquire of the Senator whom the decision of the council binds?

Mr. REED. I am coming to that, sir. Under the Bryan treaties it is expressly provided that when the decision is rendered—

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

That is to say, they reserve the right to disregard the report, to do just what they please in whatsoever way or manner they please, to exercise their full right of sovereignty; but under the pending treaty if there is a unanimous decision against us, we can not go to war, though the life of the United States is at stake, without bringing the whole world against us. That is the difference.

Is that a substantial difference? Let us bring it to illustration. We have a controversy with Mexico. Under the Bryan treaty it goes to arbitration; the arbitrators decide against us; we are not satisfied. We go on and do business with Mexico just as we think we ought to. Suppose we have the same controversy with Mexico under the pending treaty; it goes to the council of the League of Nations; the decision is unanimous against us; we then undertake to enforce what we believe are our rights, and immediately the whole power of the League of Nations is massed against us.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. I want to make an inquiry of the Senator. Suppose we had a controversy with Mexico and we submitted it under the Bryan treaty. We choose one of our citizens and Mexico chooses one of her citizens; each of us then chooses a citizen of some other country, and a fifth is chosen by common agreement. The international commission so provided hear the evidence upon both sides and then decide against us; decide that Mexico is right and that we are wrong. Does the

Senator believe we would go to war with Mexico under those circumstances?

Mr. REED. That would depend entirely upon the case, sir. It is very probable that if the decision apparently was rendered in an honest way, and if it was an honest matter of dispute, we would abide by the decision, even though it hurt us considerably; but it is also true that if the decision seemed to be tainted with fraud or if it seemed to involve great wrong and outrage to this country, our people would decide it for themselves; for, let me tell the wise men assembled in Washington at both ends of the Capitol, that once this entity called the American people is aroused they yet control, thank God, in this Republic.

There is no comparison between the two propositions, and there has not been any comparison between them from the first, except the strained one made by special pleaders who seek to justify a bad cause by a weak and nonapplicable precedent.

Mr. President, let us see about the unanimous decision arrived at by the council. There has been much misstatement in regard to that. One misstatement was inadvertently just made by the Senator from Montana. He asked, in substance, Are we going to protest when all the world is against us? as though all the world had sat down together in this tribunal, and the unanimous opinion of all the world was against the United States.

In the first place, the world does not sit on the council at all; and I might go so far as to say that representatives of the peoples of the world do not sit there. The representative of the autocratic Government of Japan sits there; possibly at some time in the future the representative of the present highly enlightened and Christian Government of Mexico may sit there, Mexico being ineligible now; but, to refer only to the nations that can sit there, the representative of the Imperial Government of Great Britain sits there; the representative of the King of Spain sits there; the representative of the King of Greece sits there. There are the representatives of only two republics on the whole council. The remainder of them are the representatives of kingdoms or something worse; so that the council is made up of political representatives of political states.

In the next place, after our antagonist has withdrawn they only represent 7 of the nations of the earth, while there are approximately 75 self-governing states of the world. There are 23 members of the League of Nations that do not even sit there; 7 nations out of all the world participate in the decision; yet that is called the opinion of all the world when all the world but 7 nations has been disfranchised, and those 7 nations, as has been argued time and time again here, in all probability are under the control of one nation. Is it hard to get a unanimous-consent agreement? Not very, when there are things to trade.

The President protested against the Shantung outrage, we are told, and in the next to his last letter which he sent regarding the Fiume controversy he lays down principles which would have made the adoption of the Shantung infamy impossible if they had been adhered to. The President said in his note of February 10:

It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war. This Government does not doubt its ability to reach amicable understandings with the associated Governments as to what constitutes equity and justice in international dealings; for differences of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main the several Governments have entertained the same fundamental conception of what those principles are. But if substantial agreement on what is just and reasonable is not to determine international issues, if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers, if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

That exactly outlines the situation with reference to Shantung; yet there was a unanimous decision, and the President was constrained to join in that decision because of the exigencies of the case. So there was a unanimous decision to all intents and purposes in the Adriatic matter; and against that the President now rises to protest. There is no trouble, Mr. Presi-

dent, in securing a unanimous-consent agreement where the powers have many axes to grind and one power agrees to turn the grindstone for another, provided a similar and corresponding service is rendered for it. Unanimous decisions are easily arranged where there is sufficient trading material and where the parties trade cold-bloodedly.

Mr. WALSH of Montana. Before the Senator from Missouri proceeds further, will he permit me now to put into the Record the statement from his remarks on last Friday to which I earlier referred?

Mr. REED. Yes; I shall be very glad to have the Senator do so.

Mr. WALSH of Montana. I read from the RECORD of last Thursday, as follows:

Mr. REED. It is well said, and let me pause long enough to say—and I shall be very glad to continue the debate when I return to the Chamber—that there is another side to it. I want it to end instantly. The delay of three or six months may mean the life of the United States. The waiting to give the other nation three months or six months to get ready to strike may mean the difference between a great war and no war at all.

Mr. REED. I have no complaint as to that. That is just what I said. That was not quite the way the Senator stated it, but I make no complaint, for he did not mean to misrepresent me. However, I would rather have my own words stand for what I said. What I desired to say I said, and what I said I stand by.

Mr. President, in view of the situation which has arisen, while I meant to discuss another phase of the question, I do not feel like proceeding, and I will yield the floor, as I understand the Senator from Alabama [Mr. UNDERWOOD] desires to make an announcement in a moment.

Mr. LODGE. Mr. President, before the Senator from Alabama makes the sad announcement, which I know will bring sorrow to every Member of the Senate, I ask unanimous consent that the unanimous-consent agreement applying to to-day may remain in force and take effect to-morrow, Tuesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The unanimous-consent agreement applying to to-day stands in effect as applicable to to-morrow.

DEATH OF SENATOR BANKHEAD.

Mr. UNDERWOOD. Mr. President, it is my sad duty to announce to the Senate that this morning my colleague, Hon. JOHN H. BANKHEAD, died suddenly at his temporary residence in the city of Washington.

For a quarter of a century he has been the foremost figure in the State of Alabama. I think he was the one remaining Member of the Senate who served in the army of the Confederacy and thus connected this body with that portion of the history of our country.

He was a man whose sterling character, probity, and earnest devotion to duty have given him a fixed place in the history of our Nation and of the State which he so long and faithfully represented in the Halls of Congress. He died with the love and respect of his constituents, of his friends, and of all who knew him.

At the proper time, Mr. President, I shall ask the Senate to set apart a day on which proper tribute may be paid to his memory. I now submit the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 316) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 316.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of nine Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect the remains of the dead Senator be removed from Washington to Jasper, Ala., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER appointed, under the second resolution, Mr. UNDERWOOD, Mr. NELSON, Mr. POMERENE, Mr. TOWNSEND, Mr. MCKELLAR, Mr. FERNALD, Mr. ASHURST, Mr. BALL, and Mr. HARRISON as the committee on the part of the Senate.

Mr. UNDERWOOD. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O the depth of the riches both of the wisdom and knowledge of God! how unsearchable are his judgments, and his ways past finding out!"

Broaden, we beseech Thee, O Lord, the scope of our intellectual vision, quicken our conscience, and bring us into a closer communion with Thee.

We can not know Thee, since we are finite and Thou art infinite; but we can know Thee better and conform our ways to Thy ways as it is given us to see them.

"For of him, and through him, and to him are all things: to whom be glory forever." Amen.

The Journal of the proceedings of Saturday, February 28, 1920, and Sunday, February 29, 1920, was read and approved.

RETURN OF THE RAILROADS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that there be printed 30,000 additional copies of the act (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of the disputes between carriers and their employees; to provide to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes—10,000 copies to be distributed through the document room and 20,000 through the folding room.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the printing of 30,000 additional copies of the railroad act—10,000 copies to be distributed through the document room and 20,000 through the folding room. Is there objection?

Mr. CLARK of Missouri. Ought not that matter to be referred to the Committee on Printing?

Mr. ESCH. I tried to get in touch with the chairman of the Joint Committee on Printing on Saturday and also this morning, but I have been unable to see him. There is such a demand for copies of the act that I thought prompt action was necessary, especially in view of the fact that there are only five or six copies of the bill remaining in the document room.

Mr. CLARK of Missouri. How many does the gentleman propose to have printed?

Mr. ESCH. Thirty thousand copies—20,000 to be distributed through the folding room and 10,000 copies through the document room.

Mr. CLARK of Missouri. And how much is it going to cost?

Mr. ESCH. I do not know. That is why I wish to confer with the chairman of the Committee on Printing.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object—

Mr. MILLER. How many would that allot to each Member?

Mr. ESCH. Forty-six to each Member.

Mr. GARD. The allotment through the folding room amounts to 46 to each Member?

Mr. ESCH. Yes.

Mr. GARD. And the other 10,000 are to be distributed through the document room?

Mr. ESCH. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to insert in the RECORD some resolutions adopted by 6,000 ex-service men at a mass meeting at St. Louis recently upon the subject of legislation for relief in the way of additional compensation for the men who have seen service in the late war.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the printing of certain resolutions passed at a meeting in St. Louis of ex-service men relative to additional compensation. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri—

Mr. WALSH. Mr. Speaker, I object.

Mr. BLANTON. Whether or not this would be embarrassing in any way to our colleagues on the other side?

Mr. IGOE. I do not know. My purpose is only to get it printed in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.